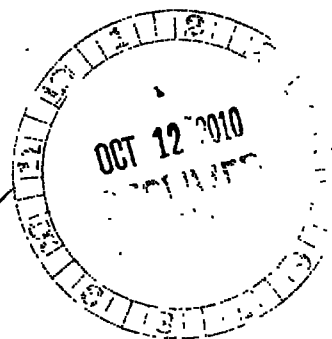


BEFORE THE
SURFACE TRANSPORTATION BOARD

227968
STB Finance Docket No. 35380



PUBLIC COMMENT FROM CONEJOS COUNTY CLEAN WATER, INC.

SAN LUIS & RIO GRANDE RAILROAD
PETITION FOR A DECLARATORY ORDER

Submitted by:

Mary Alice Trujillo, Chair
Andrea Trujillo Guajardo, Board Member
Conejos County Clean Water, Inc.
P. O. Box 153
Antonito, Colorado 81120
Email: info@conejoscountycleanwater.org
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October 12, 2010

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CONEJOS COUNTY
CLEAN WATER INC.

October 12, 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Public Comment of Conejos County Clean Water, Inc.
Finance Docket No. 35380
San Luis & Rio Grande Railroad Petition for a Declaratory Order

Dear Ms. Brown:

Conejos County Clean Water, Inc. **paper files** the following public comments in the above-captioned proceeding.

Please contact me or Andrea Trujillo Guajardo at 720-939-9948 should you have any comments or questions.

Sincerely yours,

Mary Alice Trujillo, Chair
Conejos County Clean Water, Inc.

Enclosures

Conejos County Clean Water Inc.
P.O. Box 153
Antonito, CO 81120
www.conejoscountycleanwater.org

cc:
John Heffner

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CCCW COMMENT INTRODUCTION

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35380

PUBLIC COMMENT FROM CONEJOS COUNTY CLEAN WATER, INC.

SAN LUIS & RIO GRANDE RAILROAD
PETITION FOR A DECLARATORY ORDER

INTRODUCTION

In response to a petition filed by the San Luis & Rio Grande Railroad ("SLRG"), the Surface Transportation Board ("Board") instituted a declaratory order proceeding under 5 U.S.C. § 554(e) and 49 U.S.C. § 721 to determine whether the Board's jurisdiction preempts the land use code of Conejos County, Colorado ("County"), specifically Article 5, Division 5.1, section 5.100, Article 4 and 14, Section 4.200, that might otherwise apply to the proposed operation of a truck-to-rail solid waste transfer facility south of the Town of Antonito, Colorado by SLRG. The Board invited the public to provide comments in response with a particular focus on, but not limited to, issues related to the Clean Railroads Act of 2008, 49 U.S.C. §§ 10501(c)(2), 10908-10910 ("CRA"). The Board has declared this matter a "novel" issue.

Please accept this as a formal comment and statement of concerns from the Conejos County Clean Water, Inc. ("CCCW"). We are a non-profit citizen's group, based in Antonito, Colorado, that is incorporated under the laws of the State of Colorado.

BACKGROUND

Conejos County Clean Water, Inc.

In June of 2010, concerned citizens incorporated into a Colorado non-profit organization, called Conejos County Clean Water, Inc. (CCCW). CCCW is comprised of ranchers, teachers, small business owners, and concerned citizens. Our primary purpose for incorporating was to build awareness and education around the issue of the proposed transfer of radioactive, hazardous, and toxic waste from Los Alamos National Laboratory (LANL) from flat-bed semi truck to nuclear gondola within 250 feet of the San Antonio River, a headwaters tributary of the Rio Grande. Our educational efforts focus on the parallel local, state and federal administrative proceedings in which this issue is being heard. The local administrative matter is the Conejos County Special Use Permit proceeding. The state proceeding is the Access Permit issued by the Colorado Department of Transportation. Finally, the federal administrative proceedings are under the National Environmental Policy Act (NEPA) and the Surface Transportation Board (Board). We are requesting that the Board not declare preemption to local law in Conejos County. The concerned community members would like to request that the Board or a representative to the Board hear comment in Conejos, Colorado. (See Attachment A – Letter and Petition).

Community Profile

The San Luis Valley (SLV) in south central Colorado is one of the largest sub-alpine Valleys in the world, encompassing over 8,100 square miles. Hemmed in on the west by the San Juan Mountains, and on the east by the Sangre de Cristo Mountains, the SLV ranges in elevation from 7,000 to over 14,000 feet, and contains the headwaters of the Rio Grande River. The Rio

Grande River rises in the San Juan Mountains to the west of the SLV, flows south into New Mexico and Texas and empties into the Gulf of Mexico.

The SLV has many unique biological features, including areas identified as Natural Heritage areas, and is home to six endemic insect species.

The SLV is 122 miles long and 74 miles wide. This largely agrarian and ranching community is a relatively stable population. Many of the residents are eighth-generation. The oldest parish in Colorado, Nuestra Señora de Guadalupe, Our Lady of Guadalupe, lies at the southern end of Conejos County. About sixty percent (60%) of Conejos County population is minority, and pride in the Hispanic heritage is evident in everything from the names of the rivers, mountains, and towns, to the local Spanish/English radio station. The median household income is less than half the national average at \$24,477, and 38 percent of the children live in poverty (US Census 2000). The SLV has, in the past, supported a migrant worker population of 3500 to 4000 individuals, but that number has trended lower in recent years due to immigration issues.

The SLV is known for its potatoes and alfalfa, and also grows barley, lettuce, wheat, peas, and spring grains. It has been a farm and ranching community for over 150 years, and many of the residents work in agriculture, following in the footsteps of their parents and grandparents. Many of the farmers and ranchers still practice traditional methods. It is the highest irrigated mountain plateau in the world, with about 7000 high-capacity wells – over half of which are irrigation wells.

The SLV contains over 5 million acres, of which 3.1 million acres – about 59 percent -- are publicly owned (Forest Service, BLM, Fish & Wildlife Service, National Park Service, or state). This creates an important relationship between the public and private sectors in dealing with air and water quality issues in the SLV.

There are 18 incorporated towns, many of which are located along the Rio Grande or its many tributaries. Six counties lie within this large geographical boundary. They are Alamosa, Rio Grande, Saguache, Mineral, Costilla, and Conejos. Costilla and Conejos Counties are among the poorest counties in the country, and unemployment levels run above the state and national averages (Costilla County 11%; Conejos County 10.5%; as of 2008-not including the chronically unemployed).

In contrast to Conejos County, Los Alamos County, home of Los Alamos National Laboratory (LANL), is the wealthiest in the country according to an article that ran in the Santa Fe New Mexican. (See Attachment B – *Santa Fe New Mexican*, November 30, 2005). The article references Census data from 2003 and also cites a median income in Los Alamos County of \$93,089, and according to Census data from 2000 only 11.7 % of the population in Los Alamos County is Hispanic.

History of Waste Issue

In November of 2009, Conejos County residents saw the transfer of nuclear waste from flat-bed semi trucks from crane to nuclear gondola car, which was being performed a quarter mile from the town limits of Antonito in Conejos County, and within 500 feet of nine residences. The operation was being performed within 250 feet of the San Antonio River, which is a headwaters tributary to the Rio Grande River (See Attachment C – Topographic map). Concerned citizens contacted County officials to ask what was happening. At that time citizens only knew that there were black train cars, flat-bed semi trucks, and a crane transferring large, filled, dirty white bags from the flat-bed semi trucks to the train cars.

Residents were made aware through various means; yet none of the corporate entities had informed Conejos County or the community members. Newspaper articles indicated the bags

were filled with soils contaminated with depleted uranium (DU) and polychlorinated biphenyls (PCBs) from LANL, a Department of Energy (DOE) facility. DU is an isotope of uranium that is carcinogenic and that unlike other radioactive isotopes becomes more radioactive over time. DU is also a heavy metal. PCBs were banned in the 1970s. LANL is still addressing PCB waste buried on mesa tops and canyon bottoms forty years later. Community members understood that LANL was shipping the waste ordered to be removed under the March 1, 2005 Compliance Order on Consent, issued by the New Mexico Environment Department (NMED) to DOE and LANL.

County officials determined that no Conejos County Land Use Permit was in place and the operation was immediately red tagged and halted. In early December 2009, the Board of County Commissioners (BOCC) held a special meeting that was followed by a demonstration of the operation at the proposed transfer site.

Present at that meeting were elected officials from Conejos County, EnergySolutions, Colorado State Patrol Hazardous Materials team, representatives from U.S. Congressman John Salazar's office, representatives from U.S. Senator for Colorado Michael Bennett's office, and concerned community members from Conejos County. Notably absent were representatives from the San Luis & Rio Grande Railroad (SLRG), DOE and LANL.

The entities involved at the time were the property owner, Quinlan Group/Mercedes Middlemist Trust (50% ownership by a deceased person); the SLRG; and the contractor over the LANL operation; EnergySolutions. We were told that the operations were part of the DOE Environmental Management program at LANL. EnergySolutions was contracted to package, ship and dispose of LANL low-level radioactive waste, hazardous waste, toxic waste, and contaminated soil at their commercial disposal facility in Clive, Utah.

County officials told community members under U.S. Department of Transportation (DOT) regulations 49 C.F.R. Class 7 and Class 9 waste would be transferred from flat-bed semi truck to nuclear gondola on the rail spur south of Antonito. The rail spur joins the main line over the San Antonio River and splits back into a spur on the north side of the river. That spur goes into the town limits of Antonito to the historic depot.

Also, the corporate entities would need to apply for a Conejos County Special Use Permit (SUP), which would take 45 days to obtain. (See Attachment D – Letter from Conejos County Land Use Administrator). Additionally, there was no Colorado Department of Transportation (CDOT) Access Permit from US highway 285 to the transfer site, which is accessed via a dirt road from US highway 285. County officials said both of those permits were required before operations could resume.

The meeting then moved to the proposed transfer site. There was a large crane, staged next to the black nuclear gondolas. Several flat-bed semi trucks with large, filled white bags, covered in mud, were parked on the dirt road off US highway 285, en route to the transfer site. The doors of the flat-bed semi trucks had large white duct taped makeshift signs that read "Hittman Transport Services Inc." on them. (See Attachment E – Photo of truck door). The crane was owned and operated by Alcon Construction Inc. Community members questioned if Hittman Transport Services Inc. and Alcon Construction Inc. would be required to go through the CDOT and the Conejos County SUP processes. No responses were given.

Community members questioned also the placards on the bags, which indicated that the bags contained material other than what was in the bags pursuant to the manifests showing low-level radioactive waste, hazardous waste and toxic waste. 49 C.F.R. Class 7 Radioactive Waste placard was missing from the bags, but identified on the manifests we viewed that day. We were

told the waste was not dangerous, and we were not allowed to keep copies of the manifests.

During that meeting a group member viewed water puddled below the PacTec LiftPac IP1. (*See* – Attachment F - Affidavit of Richard Winters (contaminated water). The operation, which occurred within 250 feet of the San Antonio River, was viewed and the meeting ended.

During this time, concerned community members were as engaged as possible, attending all meetings open to the public, the BOCC meetings and the Conejos County Planning Commission (CCPC) meetings. Toward the middle of December, the BOCC placed a moratorium on all Conejos County Special Use Permits. The moratorium was set to expire on May 24, 2010. We remained engaged in all meetings open to the public in anticipation of when the moratorium would be lifted. No discussion was had at any of these public meetings about an application for a SUP from SLRG and EnergySolutions.

Concurrently, community members were reaching out to elected officials in Colorado and trying to understand the genesis of the operations in order to resolve the conflicting messages that the material transported was not dangerous. Yet, in March 2005, the New Mexico Environment Department (NMED) issued a Compliance Order on Consent that required LANL to address the contaminated soils generated by industrial activities, which were buried on the mesa tops and in the canyon bottoms by the year 2015.

At every opportunity, community members asked: Why was the waste being moved in the first place if it was not dangerous? Why not just leave it in place? Why was the waste being moved to Clive, Utah?

In March of 2010, SLRG purchased the property of the proposed waste transfer site from Quinlan Group/Mercedes Middlemist Trust. Additionally, in March of 2010 Permian Basin, a parent railroad to the SLRG, obtained an Access Permit from the CDOT. The Access Permit

was not issued to Hittman Trucking, which is the corporate entity that will be utilizing US highway 285.

In response to community concerns, in May 2010, U.S. Congressman John Salazar sent a letter to the Secretary of Energy, Steven Chu. In that letter Congressman Salazar asked Secretary Chu to divert the shipments away from Conejos County until a solution that was agreeable to his constituents could be reached. (See Attachment G – May letter from Congressman Salazar to Secretary Chu). Subsequently, in June 2010, Congressman Salazar sent another letter to Secretary Chu requesting a permanent diversion of waste away from Conejos County. (See Attachment H – June letter from Congressman Salazar to Secretary Chu).

In May 2010, DOE, LANL, EnergySolutions and SLRG announced that they would be holding a special informational meeting. We were convinced that since the May 24th date for lifting the SUP moratorium was fast approaching, the special information meeting could only mean the beginning of a public process to inform the public of the operation, the impacts to human health and the environment, and the duration of operations. We understood the meeting to be the beginning of the Conejos County SUP process.

The same day of the meeting a newspaper article ran in a local paper, *SLV Courier*. (See Attachment I – *SLV Courier*, May 6, 2010). It highlighted how shipments from LANL would resume the following week, and that SLRG would operate under the preemption clause of the Federal Surface Transportation Board (Board). SLRG would transport shipments under Federal law until the time when a Conejos County Land Use Permit could be issued.

Citizens were confused and asked additional questions, such as: What was the Federal Surface Transportation Board (Board)? What was preemption?

Community members then reached out to the Board for the first time. Questions were posed to the support staff at the Board about preemption and if it is implicit to a railroad. We were told that preemption is not implicit, that it has to be applied for and granted by a court or the Board. We were told the two conditions for a railroad to be granted preemption were that 1) local laws need to interfere with interstate commerce; and 2) local laws need to be unreasonable, or put an unreasonable burden on the railroad.

There has been no commerce at that site for approximately thirty years. (See Attachment J – photos of rusty conveyor). During the moratorium, the waste was being transported from LANL to EnergySolutions via an alternate route. There were no permit applications submitted to the County prior to the moratorium going into effect in December of 2009 for the proposed low-level radioactive, hazardous and toxic waste transfer south of Antonito.

At that point in time, the SLRG had not yet petitioned the Board for a declaratory order that would preempt local regulatory authority. The SLRG was proposing to operate as if it had been granted a declaratory order. The preemption to local law under 49 U.S.C. §10501 (b) must be granted by a court or the Board. There was neither declaratory order issued nor a local land use permit issued to resume shipments. The article (See Attachment I – *SLV Courier*, May 6, 2010) highlighted the economic benefits to Conejos County and said there would be education around rail safety in County schools.

The May public informational meeting left many questions unanswered and there was a lot of confusion in the community as to why the operations were resuming without a public process.

The next week the BOCC held a special public meeting where the Conejos County Attorney, Stephane Atencio, outlined the closed-door discussions that had been ongoing amongst

the County, EnergySolutions, and the SLRG, unbeknownst to the community, from January of 2010 until May of 2010. He highlighted the negative financial impacts that litigation could have on the County. He then summarized a proposed settlement document between the County, EnergySolutions, and the SLRG. The proposed settlement document was dated May 14, 2010 and was not made available to the public to review before or after the special public meeting.

The BOCC then opened up the meeting for public comment. There was opposition from the community members present to resuming operations without a public process. The BOCC unanimously passed a motion to file an injunction against the SLRG and EnergySolutions operations south of Antonito.

The next day the SLRG informed the County that operations would resume. Thirty individuals then filed in district court for a Temporary Restraining Order (TRO) requesting a cessation of transfers until Conejos County could file its injunction.

Although the court did not rule in the individual case, operations did not resume south of Antonito. The following week Conejos County filed for an injunction against the SLRG. The SLRG petitioned the Board for a declaratory order.

In June of 2010, concerned citizens incorporated into a non-profit organization, called Conejos County Clean Water, Inc. (CCCW). Our primary purpose for incorporating was to build awareness and education around this issue in our community.

The district court did not rule on the injunction. In July, the BOCC removed, without prejudice from district court, the injunction that enjoined operations south of Antonito. The citizen's TRO was rejected. The SLRG's petition before the Board was still active. Additionally, a representative of Energy Secretary Chu responded to the requests of Congressman Salazar, neither directly nor indirectly saying whether the low-level radioactive, hazardous and toxic

waste could be permanently diverted away from Conejos County. (See Attachment K - Letter from Secretary Chu to Congressman Salazar). Secretary Chu's representative did ask the Congressman to help his constituents, EnergySolutions, and the SLRG reach a solution.

In August of 2010, Congressman Salazar held a round table discussion with key stakeholders, who included a representative from the following groups: CCCW, the Town of Antonito, Conejos County Commissioners, DOE, LANL, SLRG, and EnergySolutions. At the close of that meeting a Task Force was assembled to keep discussion going and to identify areas of consensus for the stakeholders. The Task Force was scheduled to discuss the issues for thirty days and report back to the Congressman and the public at the conclusion of those discussions.

At that first roundtable discussion, County Attorney, Stephane Atencio, asserted that neither company, nor the citizens knew what his legal counsel had been to the BOCC in Executive Session. Additionally, Congressman Salazar asked the stakeholders to avoid litigation.

For the representatives of CCCW, the main questions leaving that initial meeting were: Since the campaign of transferring low-level radioactive, hazardous and toxic waste was completed via an alternate route, why wasn't that route utilized moving forward for subsequent campaigns? If there was not a current contract between DOE and LANL with EnergySolutions for transferring the low-level radioactive, hazardous and toxic waste, why were they identified as a stakeholder? If there were no contracts with the SLRG, why were they identified as a stakeholder? Why weren't we talking with the current contractors? Who was in charge of the next campaign? Why did the DOE not consider the campaigns to be a Federal Action?

In August and September of 2010, the Task Force discussions ensued and there was some information sharing during the Task Force. CCCW found the information describing the holistic

low-level radioactive, hazardous and toxic waste shipment campaign through Colorado was not forthcoming:

During the discussions, CCCW consistently asked for only two items from the Task Force to analyze the impacts of low-level radioactive, hazardous and toxic waste being transferred near and transported through our community: 1) A National Environmental Policy Act (NEPA) public process site-specific to Conejos County; and 2) a Conejos County SUP public process.

The CCCW representatives requested the NEPA Environmental Impact Statement (EIS) and written information documenting the decision that authorized transport of low-level radioactive, hazardous and toxic waste through Conejos County; highlights of the impact to Conejos County and alternate routes considered; evidence of why alternate train routes could not be utilized; project milestones when the Requests for Proposals (RFPs) would be released to contractors; the proposed settlement document dated May 14, 2010 between Conejos County, EnergySolutions, and the SLRG; and any permit applications submitted to Conejos County. CCCW also asked for manifests documenting the waste that had come through Conejos County in November and December 2009. We were told by a DOE official that we could not view manifests from the November and December 2009 transfers near Antonito.

At the onset of discussions CCCW representatives highlighted the Congressman's request to talk in good faith without litigation. The President of SLRG, Ed Ellis, committed to concurring with a stay of proceedings request to the Board if the Task Force agreed how to proceed. CCCW drafted the letter and SLRG attorney concurred with the request on behalf of his client. The stay request was submitted to the Board on August 25, 2010.

The DOE agreed they had triggered a major federal action by exhuming legacy waste from industrial activities with federal money from the American Recovery and Reinvestment Act (ARRA) - \$212 million in the first round of stimulus award, and up to \$1.7 billion in the second round. DOE defines legacy waste as "any waste within a complex that was generated by past weapons production or research activities and is in storage awaiting treatment or disposal" (See - "A Report to Congress on Long-Term Stewardship, Vol. I - Summary Report, DOE/EM-0563, January 2001," p. GL-5). The DOE is exhuming waste from twelve technical areas with a total of 2,000,000 cubic yards of waste that could potentially be moved to either the Waste Isolation Pilot Plant near Carlsbad, New Mexico, or to Texas or to Utah.

The 2006 Final Los Alamos Site-Wide Environmental Impact Statement (LANL SWEIS) provides truck transportation analysis, but not rail transportation. Both of the Records of Decisions for the LANL SWEIS do not address rail transportation. Nevertheless, nowhere in the LANL SWEIS were officials, citizens or citizens groups in Colorado noticed to comment on the draft or final LANL SWEIS documents. Yet, the DOE claims a NEPA EIS analyzing the transportation of that volume of waste was not required. The DOE asserts that an 11-page internal Supplement Analysis was used to determine that a public process for a Supplemental Analysis was not necessary. (See - "Supplement Analysis Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory - Proposed Transport of Low Level Radioactive Waste by Truck and Rail from Los Alamos National Laboratory (LANL) for Disposal at EnergySolutions at Clive, Utah," DOE/EIS-0380-SA-01, October 2009).

However, the 11-page internal document is filled with qualitative, quantitative and factual errors. Per 40 C.F.R. §§1502.9(c)(2) The Supplement Analysis shall contain sufficient information for DOE to determine whether: (i) An existing EIS should be supplemented; (ii) A

new EIS should be prepared; or (iii) No further NEPA documentation is required. Since the 11-page internal Supplement Analysis is so inaccurate we question how it was deemed sufficient to determine no public process was necessary?

Additionally, each federal agency is required to formulate guidelines for implementing NEPA, Council of Environmental Quality (CEQ) 10 C.F.R. § 1021.410(a) and (d), and per DOE's CEQ guidelines, transportation can be Categorical Excluded (CE), but DOE did not do so in the LANL SWEIS.

The LANL low-level radioactive, hazardous and toxic waste destined for Utah is proposed to be transported via flat-bed semi truck in PacTec LiftPac IP1 bags or intermodals (re-usable metal bins). The PacTec LiftPac IP1 bags are constructed from Woven Polypropylene (WPP) a material that is not waterproof, and coated with Polyethylene. The inner duffel of the bag is also WPP. The seams of the bag are permeable to water and contaminants. CCCW has been told there is not dust protection to keep the waste from the outside of the bag while they are being filled with low-level radioactive, hazardous and toxic waste; that bags are visually surveyed, brushed off with a broom, and swabbed for radioactivity; the remaining low-level radioactive, hazardous and toxic waste is allowed to blow off the bags in transit from New Mexico highway #4 (truck route from Los Alamos) to state highway New Mexico highway #502, to the junction of state highway New Mexico highway #30, to the junction of US highway 285 north into Conejos County. The truck route one way is approximately 200 miles and climbs to an elevation of approximately 8,000 feet near Antonito. The two lane US highway 285 is not well maintained in the winter by either New Mexico or Colorado. The safety of truck transport on that highway is of concern for citizens.

Since the DOE conducted an internal Supplement Analysis there was not input from the tribal leaders in New Mexico in San Idelfonso Pueblo, Santa Clara Pueblo, Pojoaque, Nambe Pueblo, San Juan Pueblo, nor Española authorizing the truck transportation through their Pueblo lands.

Near Antonito, the flat-bed semi trucks pull parallel to the nuclear gondolas, Alcon (Crane Company) and crew are staged between the crane and the nuclear gondola. There are varying quantities of PacTec LiftPac IP1 bags placed in each nuclear gondola due to variations in density. Each PacTec LiftPac IP1 bag has a capacity of 24,000 lbs. There were estimated to be eight intermodals on each nuclear gondola. Each nuclear waste gondola has a capacity to hold 100 tons. The private access road off US highway 285 is on average 100 feet away from the San Antonio River, the dirt road is not compacted to US Highway standards for flat-bed semi truck usage, and we fear erosion to the river is imminent.

CCCW maintains a site specific NEPA process around the transportation utilizing the SLRG would be required to analyze the unique hydrogeology of the SLV. The unconfined aquifer is used for irrigation; the San Antonio River is used for irrigation. The transfer site is in a detrimental position to the aforementioned unique hydrogeology due to the fact that the proposed transfer takes place within 250 feet of potentially contaminating the aquatic environment in Conejos County as well as all communities downstream into New Mexico, Texas, Mexico and the Gulf of Mexico.

We have been told the process is called "transloading", yet, both the 49 C.F.R. §1155.2 (a)(8)(B) ; 49 U.S.C. §10908(e)(1)(H)(ii)(II) describe "transload" as "sealed tanker truck to sealed tanker rail cars, or rail to rail connections"; neither code mentions water permeable PacTec LiftPac IP1 bags nor re-usable intermodals.

After the PacTec LiftPac IP1 bags or intermodals are loaded in the nuclear gondolas for a trip that may take anywhere from seven to ten days, the SLRG travels north to Alamosa, Colorado, east over La Veta pass, where SLRG asserts on its website "The highest point on the SLRG at La Veta Pass, is 9,242 feet above sea level, the highest rail freight line in North America." From there the SLRG continues east to Walsenburg, Colorado where the Union Pacific Railroad (UP) assumes the load. At this junction the "transload" description could more accurately be employed; it is a rail to rail connection. UP then takes the load north through the Front Range of Colorado through all the major metro areas, Pueblo, Colorado Springs, Denver, Fort Collins, into Wyoming where it heads west into Utah for its final transportation from New Mexico to Utah, movement, not remediation, not cleanup. Concerned citizens have questioned if this low-level radioactive, hazardous and toxic waste would be required to comply with the new security requirements for hazardous material rail shipments through High Threat Urban Areas (HTUAs) and High Population Areas (HPAs). (See: <http://www.state.nv.us/nucwaste/news2008/pdf/nv080715stb.pdf> - pages 59-79).

The DOE has maintained that the movement of low-level radioactive, hazardous and toxic waste will be at least a ten year campaign. There is not an analogous DOE site that has continued operations. Other examples had waste moved from sites that were closing, such as Fernald and Rocky Flats. LANL continues to operate now and for the foreseeable future. This low-level radioactive, hazardous and toxic waste has the potential of moving through Colorado as long as LANL operates without the community members having a meaningful public process. This ten year assumption does not take into account the low-level radioactive, hazardous and toxic waste from other DOE sites, such as Pantex or Sandia National Laboratories, which could be transferred. (See: http://chieftain.com/news/local/article_f100eae4-bcaf-11df-934f-

001cc4c002e0.html). Nor does this assumption take into account that EnergySolutions disposes of 97% of the low-level radioactive waste volume at its disposal facility in Utah. CCCW asks:

What are we opening the door to in Conejos County?

Again, we were told we did not need to see what was transferred through Conejos County in November and December of 2009. We were also told it was classified information to know the RFP milestones.

Since the DOE maintains that public process is not required around transportation there were no alternate routes analyzed for train or truck. There are closer rail heads to LANL than the one that exists near Antonito. It is still unclear to citizens how the site near Antonito was selected. It wasn't through a federal NEPA process, it wasn't through a state access permit, and it wasn't through a local Conejos County Land Use Process. How and why was this site selected?

The safety of the SLRG is paramount in our minds; it has had three derailments in August of this year and one already in September, which dumped perlite over La Veta Pass. (See: <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/Query/statsSas.aspx>), (See Attachment L – *SLV Courier* relating to SLRG incidents). We have been told that derailments do not necessarily mean a release of low-level radioactive, hazardous and toxic waste, we've been told not to worry because the railroad has insurance. The emphasis is placed on being reactive versus our pleas to be proactive and analyze the impacts a low-level radioactive, hazardous and toxic waste release would have on our community.

We've been told continuously by the DOE, SLRG, and EnergySolutions that rail is safer than other modes of transportation. In the Supplement Analysis the DOE prepared for "transload" near Antonito the Yucca Mountain Final Environmental Impact Statement (FEIS) was referenced. There is some compelling evidence to the contrary from Yucca Mountain; there were

about 30 to 80 rail accidents, and 3 to 6 truck accidents, expected over 50 years of repository operations. (See: <http://www.state.nv.us/nucwaste/news2008/pdf/nv080715stb.pdf> Likelihood of Accidents, p. 22., and <http://www.state.nv.us/nucwaste/news2008/pdf/nv080715stb.pdf> pages 34 - 40, on rail transport risks, and pages 42 - 46, on comparative impacts of truck and rail).

There are several questionable practices which the SLRG employs. There is a passenger train that runs from Alamosa, Colorado south to Antonito, Colorado. SLRG brings passengers to the Cumbres & Toltec Scenic Railroad daily. The passenger train routinely pulls freight cars loaded with lava rock, which is loaded north of the San Antonio River. Will it be acceptable for the SLRG to haul human passengers with loaded nuclear gondolas with low-level radioactive, hazardous and toxic waste in series?

Furthermore, the SLRG has difficulty policing its current shipments. Perlite is piled up on its right of way in Antonito. The safety of the existing bridges to maintain the load of this low-level radioactive, hazardous and toxic waste (100 tons per nuclear gondola) is questionable. Routinely perlite and lava rock are loaded and transported through the area. Both materials are significantly less dense than regular soil (0.89 g/cm³ for lava rock, 1.10 g/cm³ for perlite versus 2.65g/cm³ for soil), so it follows both would be significantly less dense than soil contaminated with radioactive heavy metals, industrial and institutional waste. How will the SLRG maintain this incremental load of low-level radioactive, hazardous and toxic waste? (See photographs in Attachment M).

Despite all the concerns of CCCW that were shared during Task Force discussions with the stakeholders that had a financial gain, DOE, EnergySolutions, SLRG, (LANL did not participate in the weekly discussions) there was a clear tone to have the Town of Antonito, Conejos County, CCCW, and the Conejos County Water Conservancy District (asked to join

Task Force discussions after initial round table) agree to terms of a proposed agreement, settlement and mitigation. Speaking for CCCW, a segment of the public, our group is comprised of ranchers, teachers, and small business owners. As a new Colorado non-profit organization, CCCW has neither technical expertise nor legal expertise to negotiate terms of agreement, settlement and mitigation to protect the environment and the health and human safety of the public in general. There was no objective technical expertise on the Task Force; anyone with a technical background had a financial stake versus those of us that had environment and human health at stake. CCCW maintains that public process was designed to protect environment and the health and human safety of the public in general.

As a result, the CCCW supported the request by the Town of Antonito to use the proposed settlement document dated May 14, 2010 between Conejos County, EnergySolutions, and the SLRG as the framework for a Special Use Permit to Conejos County. As a Task Force we agreed how to proceed. Yet, SLRG removed its request to stay proceedings before this Board. EnergySolutions has agreed to go through the Conejos County SUP process calling the process "transload," which is undefined at the County level; therefore, SUP is required.

In September, the weekly Task Force discussions concluded, and the stakeholders reported back to Congressman Salazar and the public. The Task Force reported that EnergySolutions would be applying for a SUP from Conejos County. The Task Force also reported that there were outstanding issues, and the Task Force would continue to meet quarterly via teleconference after the SUP process at the County level concluded.

The County maintains that the process is "Solid Waste Transfer" and SLRG and EnergySolutions maintain it is "transload". CCCW asks: Did the DOE, LANL, SLRG and

EnergySolutions inadvertently create a de facto "Intermodal Solid Waste Transfer Facility" near Antonito?

In the 11-page Supplement Analysis that the DOE completed, the PacTec LiftPac IP1 bags can stay on the flat-bed semi trucks in the event of inclement weather. Since the PacTec LiftPac IP1 bags are permeable, citizens are concerned about the PacTec LiftPac IP1 bags being on flat-bed semi trucks much less sitting on flat-bed trucks for any duration of time. It also states the nuclear gondolas can be loaded for up to 96 hours, and that the route from LANL to Clive, Utah can take seven to ten days. "Based on previous experience, ES [EnergySolutions] expects the transit time for the rail transportation from the Antonito transload site to the ES disposal facility at Clive to be approximately 7 to 10 days." (See - "Enhancing Safety through Rail Shipments," LA-UR-10-00134 Fact Sheet, p. 5). "Turn around time for the rail cars is approximately 24 days." Id.

CCCW has asked if there is something at the federal level prohibiting SLRG from going through the local public process and have been told it is a company policy not to participate in local permitting processes.

The inertia around these proposed operations in Conejos County has left CCCW and other interested individuals scrambling for information. According to the National Academies of Sciences, there is no known safe level for humans to be exposed to radioactivity. (See: http://www.nap.edu/openbook.php?record_id=11340&page=R1, p. 14 of public summary and executive summary and p. 15 the conclusion).

EnergySolutions has submitted a SUP application to Conejos County. (See Attachment N – EnergySolutions permit application submitted to the County). Concurrently, CCCW has requested a site specific NEPA process to Conejos County from Secretary Chu. The decision

around the EnergySolutions SUP application to Conejos County will be issued on November 4, 2010 at 11:00am in Conejos, Colorado. That final decision is made by the BOCC.

CONCLUSION

Recent developments have raised a question as to the need for the Board to continue with the proceeding in this case. EnergySolutions has gone forward with a formal application to Conejos County for local land use approval for the same activities encompassed by SLRG's petition for declaratory order. Thus, mootness principles may apply to negate the need for Board consideration of the issues raised in this proceeding. Specifically, this Board is being asked to consider whether local land use control should apply to the proposed operation – yet, the principles in the operation have opted to participate in the local land use proceeding, thus leaving no controversy for the Board to resolve. If not entirely moot, the fact that a land use proceeding is pending should provide grounds to hold this proceeding in abeyance until a better factual record can be established following completion of the local land use review.

Further, evidence has surfaced during the recent citizen-initiated dialogue between the various corporate and governmental entities involved that, while contracts were in place with regard to prior shipments of low-level radioactive, hazardous and toxic waste proposed to be brought through Antonito, such formal contracts are not currently in place. In fact, upon information and belief, the relevant contract(s) expired in July 2010 and have not been renewed. Without contracts in place, the Board's consideration of the issues presented may not be ripe. In any case, given the factual questions raised by this development, the Board should hold a proper evidentiary hearing in this case to determine the precise nature of the dispute at issue and whether the contracts necessary for consummation of the activity are in place.

This Board has broad discretion in deciding how, when, whether to consider petitions for declaratory orders, and it appears to be acceptable practice by the Board to decline to undertake such review where not necessary. See Arvada Transfer Company, Inc.—Petition For Declaratory Order, No. MC-C 30074, 1988 WL 226030 (I.C.C.) (Board expressing its hesitancy “to commit our resources to resolving a question which may well be determined favorably to petitioner or never ripen into a justiciable dispute.”) Accord, Union Oil Company Of California, Chemicals Division, And Laughlin Trucking, Inc.—Petition For Declaratory Order, No. MC-C-30118, 1988 WL 225289 (I.C.C.)

However, if the Board is compelled to process this petition, this proceeding presented two basic issues: (1) does the transportation involved fall under the CRA's provisions either requiring SLRG to comply with the County's land use codes or to seek Board authority to construct and operate a facility under the Board's Solid Waste Rail Transfer Facility interim regulations and (2) does SLRG's operation of the site preempt the application of County licensing laws.

CCCW contends the answers to these questions are (1) yes and (2) no.

The Clean Railroads Act Does Apply to SLRG.

The Waste and Contaminated Soil Were Generated by “Industrial” Activities at LANL.

Section 10908(e)

LANL is an industrial facility, currently located on 40 square miles on the Pajarito Plateau. It is divided into 48 separate Technical Areas. In 2008, DOE reported that LANL structures contained about 8.6 million square feet, comprising about 952 permanent buildings,

including specialized facilities that have been built and maintained over years of operations; 373 temporary structures (trailers and transportables); and 897 miscellaneous structures, such as sheds and utility (meteorological towers, water tanks, manholes, and electrical transformers) structures. (See - "Final Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory," DOE/EIS-0380, May 2008, p. 2-12).

"In January 1943 a wartime laboratory was established at Los Alamos, New Mexico. Its sole mission was the development of a fission bomb. This project culminated in the detonation of the first atomic bombs in 1945. Since then, the primary mission of LASL [Los Alamos Scientific Laboratory] has continued to be nuclear weapons research and development, including the first thermonuclear bomb. However, expansion of Laboratory efforts has incorporated numerous programs to develop peaceful uses of nuclear energy in such areas as fission reactors, space technology, controlled thermonuclear reactions, and medical and biological applications, geothermal and solar energy resources and use of superconductor technology for energy storage and transmission. The four major research program areas are national security, energy, biomedical and environmental, and physical research." (See - "Final Environmental Impact Statement, LASL Site, Los Alamos, New Mexico," DOE/EIS-0018, December 1979; <http://www.lanl.gov/>).

The Department of Energy (DOE) describes its plans to ship an estimated 15,000 cubic yards of solid soil/debris waste from three LANL sites in its (See - "Supplement Analysis Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory - Proposed Transport of Low Level Radioactive Waste by Truck and Rail from Los Alamos National Laboratory (LANL) for Disposal at EnergySolutions at Clive, Utah," DOE/EIS-0380-SA-01, October 2009).

The three sites are Material Disposal Area "Y" [also known as Solid Waste Management Unit (SWMU) 39-001(b)], SWMU 39-001(a), and Los Alamos Site Monitoring Area 2 (LA-SMA-2).

Two of the three waste dumps are located at Technical Area 39 (TA-39), which is a test area for high explosives, located in the southeastern portion of LANL. Explosive testing continues today as part of the Nuclear Weapons Program.

These SWMU sites were used as dumps for industrial waste, or "routine" waste, such as "equipment, chemicals, oil, animal tissue, chemical treatment sludge, cement paste, hot-cell waste, and classified materials," that was contaminated with radionuclides, heavy metals, toxic chemicals. (See - "History and Environmental Setting of Los Alamos Scientific Laboratory Near-Surface Land Disposal Facilities for Radioactive Wastes: A Source Document," Margaret Anne Rogers, Los Alamos Scientific Laboratory of the University of California, June 1977, LA-6848-MS, Vol. I).

A 1997 LANL report describes SWMU 39-001(a) as a landfill with two burial pits that operated between 1953 and 1979. "The pits were used for disposal of materials consisting of debris from firing sites, empty chemical containers, and office waste. Hazardous and radioactive materials that may have been disposed in the pits before 1976 include lead, silver, copper, brass, iron, steel, thallium, cadmium, mercury, beryllium, thorium-232, natural and depleted uranium, PCB-containing oils, HE [high explosives], and solvents." (See - "RCRA Facility Investigation Report for Potential Release Sites at TA-39, 39-001 (a & b)," LANL Environmental Restoration Project, March 1997, LA-UR-97-XXXX, p. 5-1).

The same report describes SWMU 39-001(b) as a landfill consisting of three pits that operated between the late 1960's and May 1, 1989. "The area was used for disposal of materials

containing debris from firing sites, empty chemical containers, and office waste. Wastes from other sites may have been disposed here. Site personnel indicated that large stainless steel targets (1- to 2-ft diameter and 2-ft long) were buried on site. ... These targets were used in the dual-stage gas gun apparatus located in Building TA-39-69 and captured plutonium projectiles. Before disposal, the targets were decontaminated and the resultant waste was disposed at TA-54. Hazardous and radioactive materials disposed in the area before 1976 probably include lead, silver, copper, brass, iron, steel, thallium, cadmium, mercury, beryllium, thorium-232, natural and depleted uranium, PCB-containing oils, HE [high explosives], and solvents." (See - Id., p. 5-30).

Because of improper waste management practices at LANL, such as burying waste in soils without liners and a leachate collection system, the wastes leaked into the soils, thereby contaminating them. DOE states that "soil and small debris from a LANL disposal area" will be shipped. (See - "Enhancing Safety through Rail Shipments," LA-UR-10-00134 Fact Sheet, p. 1. DOE further describes the shipments as containing "debris such as soil, wood, concrete, asphalt, and metal." Id., p. 2).

"The intermodals will be used primarily for 'over sized' waste or large and jagged debris items that could puncture the IP-1 soft-sided containers." (See - "Enhancing Safety through Rail Shipments," LA-UR-10-00134 Fact Sheet, p. 4).

Industrial waste is defined as "solid waste generated by manufacturing and industrial and research and development processes and operations, including contaminated soil, nonhazardous oil spill cleanup waste and dry nonhazardous pesticides and chemical waste, but does not include hazardous waste regulated under subtitle C of the Solid Waste Disposal Act, mining or oil and gas waste." Section 10908(e). It is obvious that the waste excavated from SWMUs 39-001(a)

and (b) are from industrial activities, such as manufacturing targets that capture plutonium projectiles shot from dual-stage gas guns.

LA-SMA-2, or SWMU 01-001(f) "is the location of a former septic tank (structure 01-140) that was installed in 1945 and served HT and FP Buildings. The septic tank outfall discharged into Los Alamos Canyon. The outfall area is known as Hillside 140. HT Building was used to heat-treat and machine natural and enriched uranium. FP Building was a foundry for non-radioactive and nonferrous metals. In 1975, the septic tank, its inlet and outlet lines, and surrounding soil were removed. In 1995, soil with elevated concentrations of total uranium was removed from the upper and lower slopes of Hillside 140." (See - "LANL Individual Permit Application for Storm Water Discharges from Solid Waste Management Units and Areas of Concern," Permit Application No. NM0030759, Supplemental Information Submittal (Third of Four), Vol. 1, December 21, 2007, LA-UR-07-8364).

It is clear that the contaminated soils from LA-SMA-2 were from "manufacturing and industrial and research and development processes and operations," such as machining natural and enriched uranium and foundry activities; thereby meeting the definition of "industrial waste." Section 10908(e).

The Waste and Contaminated Soils Were Generated by "Institutional" Activities at LANL.

Section 10908(e).

LANL is an institutional, government owned, contractor operated (GOCO) facility. The historical record demonstrates that office waste, described as "material discarded by nonmanufacturing activities at [] government facilities," or "material discarded by other similar establishments or facilities" was disposed in SWMUs 39-001(a) and (b). Section 10908(e), the office waste clearly meets the definition of "institutional" waste. (See - "RCRA Facility

Investigation Report for Potential Release Sites at TA-39, 39-001 (a & b)," LANL Environmental Restoration Project, March 1997, LA-UR-97-XXXX, pp. 5-1 and 5-30;),(See - "Supplement Analysis Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory – Proposed Transport of Low Level Radioactive Waste by Truck and Rail from Los Alamos National Laboratory (LANL) for Disposal at EnergySolutions at Clive, Utah," DOE/EIS-0380-SA-01, October 2009, p. 1).

None of the Shipping Containers Proposed to be Used is Both "Sealed" and "Original"

Neither the statute, nor the Board's Solid Waste Transfer Facilities interim rules explicitly define an "original shipping container." The CRA had its origins with an amendment that Senator Frank Lautenberg of New Jersey had originally submitted in 2007. Senator Lautenberg renewed his efforts in 2008 and the provision was enacted into law as 49 U.S.C. §§10908-10909 as part of the Railroad Safety Enforcement Act of 2007, S1889.

The Senate Report provides,

"A solid waste rail transfer facility would only include, the portion of a facility owned or operated by or on behalf of a railroad carrier where solid waste, as a commodity to be transported in commerce, is collected, stored, separated, processed, treated, managed, disposed of, or transferred outside of original sealed shipping containers."(See - "S. Report 110-270 at 37-8").

The Bag was Designed as a Liner in a Metal Disposal Bin or Truck with Metal Walls.

The first container proposed to be used is a PacTec LiftPac IP1 bag, the material of construction is Woven Polypropylene (WPP), with inner duffel constructed from WPP, and a coating of Polyethylene on the exterior bag. The inner duffel can be sewn to the outer bag or heat sealed. The seams of both the inner and exterior bags are most vulnerable to water permeating the bag. WPP is a permeable material; therefore, the bag cannot be considered sealed. The

standards 49 CFR§173.410, §.411, and to ISO 1496-1 do not require the containers to be sealed. There are various mechanical requirements, but not one requiring the bag to be impermeable. Additionally, during the CCPC hearing held September 29, 2010, Bret Rogers, Senior Vice-President, EnergySolutions asserted the PacTec LiftPac IP1 bags are not waterproof.

Please reference U.S. Patent Number 7,073,676, abstract, images, and links to other relevant U.S. Patents (*See*: <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnethtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=7073676.PN.&OS=PN/7073676&RS=PN/7073676>), which is referenced on the PacTec website for the PacTec LiftPac IP1 bag (*See*: <http://www.pactecinc.com/liftpac.html>). The U.S. Patent Number 7,073,676 for a patented zipper describes its use on a containment bag system for use in a commercial disposal container. The intended design of the bag was to be used in a metal disposal bin or a truck with metal walls.

“Prior to loading IP-1s, the PIC [Person in Charge] makes the determination to place absorbent material (kitty litter, quick-sorb, etc), as needed, to address potential condensation, precipitation, or potential free liquid accumulation concerns.” (*See* - “Enhancing Safety through Rail Shipments,” LA-UR-10-00134 Fact Sheet, p. 4).

The bag is currently being used stand alone on a flat-bed semi truck being shipped approximately 200 miles from Los Alamos, New Mexico to Conejos County, Colorado, at which point it is transferred from flat-bed semi truck to nuclear gondola. There could be a lag in the transfer time, and it is unknown the duration the bags would sit on the flat-bed semi truck allowing water to migrate to the bottom of the bag and permeate through to the flat-bed semi truck and finally to the ground contaminating the air, soil, and water. Again, “If waste is staged over a weekend, EnergySolutions will ensure that appropriate security measures are in place to

prevent access to the containers during temporary storage.” (See - “Supplement Analysis Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory – Proposed Transport of Low Level Radioactive Waste by Truck and Rail from Los Alamos National Laboratory (LANL) for Disposal at EnergySolutions at Clive, Utah,” DOE/EIS-0380-SA-01, October 2009, p. 3).

A signed Affidavit from Bret Rogers, Senior Vice-President of Energy Solutions, was submitted to the Board for review in the place of manufactured specifications and the Certificates of Conformance from the manufacturers to 49 CFR §173.410 and 411 and to ISO1496-1. We request the Petitioners submit a bag for the Board to review as part of these proceedings.

The Intermodal Bin is Re-Usable

The second container is an intermodal metal bin, and it is re-used; therefore, not original. The intermodal metal bin would be used for larger debris, such as rebar, which might puncture the bag.

Again, “The intermodals will be used primarily for ‘over sized’ waste or large and jagged debris items that could puncture the IP-1 soft-sided containers.” (See - “Enhancing Safety through Rail Shipments,” LA-UR-10-00134 Fact Sheet, p. 4).

We conclude both containers that could be used to ship low-level radioactive, hazardous and toxic waste from Los Alamos, New Mexico to Antonito, Colorado are not “original shipping containers”. Therefore, the CRA applies because none of the shipping containers proposed to be used by EnergySolutions is both “sealed” and “original” in order to constitute “original shipping containers” under the law.

The only remaining question then is whether SLRG has complied with the Board's preemption precedent in operating the Antonito transfer site with the result that local permitting

laws do not apply. We conclude that since the CRA applies to the operations south of Antonito local laws should not be preempted; therefore, requiring SLRG to comply with the County's land use codes or to seek Board authority to construct and operate a facility under the Board's Solid Waste Rail Transfer Facility interim regulations.

Thank you for your careful consideration of these matters.

Attachment A



CONEJOS COUNTY
CLEAN WATER INC.

October 12, 2010

Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: San Luis & Rio Grande Railroad
Petition for Declaratory Order for Transload Facility in Conejos County
Docket No. FD 35380

Dear Surface Transportation Board Members:

We are requesting that the proceedings in the above-referenced matter take place in Antonito, Colorado, the Conejos County Seat. The Board has determined that the issues in this matter are "novel" and "the Board has chosen to seek public comment." Surface Transportation Board Decision, August 12, 2010. We are also requesting the opportunity to provide oral public comments during the hearing proceeding in Antonito, Colorado.

Conejos County is the poorest county in Colorado, with a median income of \$24,744. It will be next to impossible for us to travel to Washington, DC to participate in this proceeding.

We are an old Hispanic culture and our ancestors are part of the Conejos Land Grant. The site in question is within two hundred fifty feet of the Rio San Antonio, which is a tributary to the Rio Grande (River).

I would appreciate the opportunity to discuss this matter with you. Please contact me at (720) 939-9948:

Sincerely,

Mary Alice Trujillo
Mary Alice Trujillo

Chair

Conejos County Clean Water, Inc.

cc:

John Heffner

Conejos County Clean Water Inc.

P.O. Box 153

Antonito, CO 81120

www.conejoscountycleanwater.org

PETITION TO SURFACE TRANSPORTATION BOARD
Re: San Luis & Rio Grande Railroad - FD35380 Petition for Declaratory Order
for Transload Facility in Conejos County

We, the undersigned, request that the Surface Transportation Board hold its declaratory order proceedings in Antonito, Colorado, the Conejos County Seat. The Board has determined that the issues are "novel." We request the opportunity to provide oral public comments during the hearing proceeding in Antonito, Colorado.

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Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

PETITION TO SURFACE TRANSPORTATION BOARD

**Re: San Luis & Rio Grande Railroad - FD35380 Petition for Declaratory Order
for Transload Facility in Conejos County**

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Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

Santa Fe, N.M.
87508

3605

PETITION TO SURFACE TRANSPORTATION BOARD
Re: San Luis & Rio Grande Railroad - FD35380 Petition for Declaratory Order
for Transload Facility in Conejos County

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Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

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Anthony BEARDSLEY	928 Georgia Ave	87108	⁵⁰⁵ 266-2157
Israel Sigueros	718 Berkeley Alamosa		719-580-2889
Dale Paul	Alamosa, CO		719 376-5925
Carmy Paul	Alamosa, CO		719 376-5925
Dan Paul	Antonito CO		719 376-5380
	Antonito CO		719-580-2889
Elvira Garcia	Antonito CO.	(719)	376-2435
RAY RYDALIN	Antonito CO		505-379-0006

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 8120

PETITION TO SURFACE TRANSPORTATION BOARD
Re: San Luis & Rio Grande Railroad - FD35380 Petition for Declaratory Order
for Transload Facility in Conejos County

We, the undersigned, request that the Surface Transportation Board hold its declaratory order proceedings in Antonito, Colorado, the Conejos County Seat. The Board has determined that the issues are "novel." We request the opportunity to provide oral public comments during the hearing proceeding in Antonito, Colorado.

Name	Address	Email	Phone
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Barbara Mondragon	P.O. Box 291	Antonito	CO 81120
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Louie Mondragon	P.O. Box 291	Antonito	CO 81120
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Ed R. Herrera	P.O. Box 485	Antonito	CO 81120
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Louis R. Herrera	P.O. Box 485	Antonito	CO 81120
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Patty Lopez	P.O. Box 42	Antonito	CO 81120
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Art G. Lopez	8770 City Rd 15	Antonito	CO 81120
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Emily J. Lora	P.O. Box 142	Antonito	CO 81120
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Juan S. Lora	P.O. Box 142	Antonito	CO 81120
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Rosa Lora	P.O. Box 244	Antonito	CO 81120
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Jose M. Lora	P.O. Box 356	Antonito	CO 81120
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Mauricio Vargas	P.O. Box 975	Antonito	CO 81120
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Luis G. Grijalva	P.O. Box 975		580-227.3
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Walter Perez	P.O. Box 81	Antonito	CO
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Michael A. Trujillo	P.O. Box 582	antonitocolorado@yahoo.com	719-376-5587
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Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

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Name	Address	Email	Phone
<u>Lena Bagwell</u>	<u>103 N 6th MANASSA</u>		<u>719-588-0157</u>
<u>Alan S. Bagwell</u>	<u>114 N. 9th Manassa</u>		<u>719-843-0309</u>
<u>Lena S. Bagwell</u>	<u>114 N. 9th MANASSA</u>		<u>719-580-4849</u>
<u>John Ramsey</u>	<u>202 Main St. Broomfield</u>		<u>719-298-0709</u>
<u>Desideria Romero</u>	<u>600 Poplar Apt #1</u>		<u>719-298-8906</u>
<u>Kathleen Malone</u>	<u>1843 Clarke Mtn. Ln. Antelope</u>		<u>719-376-2531</u>
<u>Robert O. Eisinger</u>	<u>Lafayette</u>		<u>376-2460</u>
<u>Blake Parker</u>	<u>18971 County Rd 208/157</u>		<u>719-274-5083</u>
<u>Eugene C. Anderson</u>	<u>802 STATE APT #15 ANTONITO CO</u>		<u>719-376-2646</u>
<u>Arthur R. Marks</u>	<u>107 State (Antonito Co)</u>		<u>376-2120</u>
<u>Gene D. Williams</u>	<u>16679 ST. HWY. 136</u>		<u>274-5765</u>
<u>Benny E. Gutierrez</u>	<u>76350 Collins Ave LA JOLLA</u>		<u>274 2710</u>
<u>Jack Carnum</u>	<u>324 Walnut Lafara</u>		<u>274-5829</u>
<u>Deborah A. Garcia</u>	<u>59 Calle Miller Apt 6x La Jolla</u>		<u>Waste not needed</u>

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120 JW

GW

PETITION TO SURFACE TRANSPORTATION BOARD
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Name	Address	Email	Phone
<u>Ernie Valdez</u>	<u>719 N 12th St Gunnison CO 81230</u>		<u>970-641-0600</u>
<u>Richard N. Smith</u>	<u>P.O. Box 636 La Jara, Colo. 81140</u>		<u>719-274-5131</u>
<u>Kelly Sowards</u>	<u>Box 65 Manassa Colo. 81141</u>		<u>843-5587</u>
<u>Bill Mortenson</u>	<u>#0910 CRY Sanford, Co. 81151</u>		<u>274-5096</u>
<u>Adam Trujillo</u>	<u>86 Senty RD 1E unit 1 Monte Vista CO 81144</u>		<u>719-580-6424</u>
<u>Brady Bradley</u>	<u>#9760 Colk 1/2</u>		<u>Antonito Co 81120</u>
<u>Amelga Pena</u>	<u>22900 Hwy 17</u>		<u>Antonito, Co 81120</u>
<u>Ronald B</u>	<u>217 RIVER</u>		<u>Antonito Co 81120</u>
<u>John Vap</u>	<u>217 RIVER ST</u>		<u>ANTONITO CO 81120</u>
<u>Benny Colby</u>	<u>511 Revere Rd</u>		<u>San Juan, 81150</u>
<u>Lee Zetter</u>	<u>P Box 23</u>		<u>Antonito</u>
<u>Pat</u>	<u>P. Box 202</u>		<u>Manassa 580-7231</u>
<u>James Reed</u>	<u>21384 CORNV</u>		<u>Sanford CO 81151</u>
<u>Chris Marty</u>	<u>16224 County RT 7</u>		<u>La Jara Colo 81140</u>

Please return to: Conejos County for Clean Water, Inc., P. O. Box 133, Antonito, CO 81120
580-4073

We, the undersigned, request that the Surface Transportation Board hold its declaratory order proceedings in Antonito, Colorado, the Conejos County Seat. The Board has determined that the issues are "novel." We request the opportunity to provide oral public comments during the hearing proceeding in Antonito, Colorado.

Name	Address	Email	Phone
Lee Bagwell	Manassas, Va. 81441 12731 CR17		719 843-5720
Shane Bagwell	Manassas 201141 12731 CR17		719 843-5720

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

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Name	Address	Email	Phone
Virginia Trujillo	View Dr. 974 Coast Laguna Beach, Ca	vatruv@aol.com	949-376-3331
Melinda Winters	18054 C.R. 17 La Jara	none	719-274-5031
Richard Winters	18054 C.R. 17 La Jara	none	719-274-5031
Uchu Blean	117.5 River St. Antanito CO	vblea13@gmail.com	719-376-5715
Jess Blean	117.5 River St. Antanito CO	vblea13@gmail.com	719-376-5715
Dennis A Valdez	P.O. Box 84 Conejos, Colo 81129		
Olive K Valdez	P.O. Box 84 Conejos, Colo. 81129		

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

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Name

Address

Email

Phone

Virginia J. Miller *125 Calle Don Jose Santa Fe NM 87501* *vjmopus@cybermesa.com*

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

4/14 & 4/15
Friday & Saturday
I am

PETITION TO SURFACE TRANSPORTATION BOARD
Re: San Luis & Rio Grande Railroad - FD35380 Petition for Declaratory Order
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Name	Address	Email	Phone
Beata Tsosie	#93 S. Santa Clara Esp. NM 87532		505-367-4270
Matteo Penabaz	P.O. Box 305 Chinayo NM 87522		505-927-4418
Michelle Perxinku	POB 305 Chinayo NM 87522		505-927-4418
Charlene Owen	126 Alamo Drs SF NM 87501		505-982-6648
Holly Beaumont	2701 Old Gauster Way SF NM 87508	habeaumont@adicon.com	505-660-5018
Michelle Steinberg	693 33rd St Oakland, CA 94609		510-594-1658
Bonnie Blueblender de Beau	2331 Oak Lane Riverside, WY 82501	telonrains.com	307 851-6240
* Mountain Hunter	Box 1481 El Prado, NM 87529	mtndn@yahoo.com	505-755-1879
Erwin J. Rivera	P.O. Box 6305 SF, NM 87502	erwin.rivera@sfcc.edu	505 428-1006-ENLAGE
Julie B. Sutherland	HC-81 BOX 9 QUESTA, NM 87556		575-586-1657
Elana Hibbins	P.O. Box 4073 Santa Fe NM 87502		505 795 2543
Betty Tsosie	52 Calima Cir. Santa Fe, NM 87505		983-1885
MELTON MARTINEZ	P.O. Box 438 Brewitt NM 87045		505 972 3383

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

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Name	Address	Email	Phone
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Eric Sisoveros P.O. Box 201

Johnny Garcia P.O. Box 163 Antonito Colorado 81120 719-376-5865

Darlene Garcia P.O. Box 163 Antonito Colorado (719) 376-5865

Lynette Injilla P.O. Box 693 Antonito CO 81120 (719) 376-2064

Parol Injilla P.O. Box 693 Antonito CO 81120 (719) 376-2064

Ryan Injilla P.O. Box 238 Antonito CO 81120 (719) 298-1243

Peter Duarte P.O. Box 42 Conejos, Co. 81129 719-376-2229

Alma Duarte P.O. Box 42 Conejos Co 81129 (719) 376-2229

Stephanie Gray P.O. Box 731 Antonito Co 81120 376-5833

Stephanie Gray P.O. Box 731 Antonito Co 81120 376-5833

Robert Salzman 16863 CR 18 Antonito CO 81120

Bernadette Armenta P.O. Box Antonito, CO 81120 376-5567

Robert A. Armenta P.O. Box 4 Conejos Co. 81120 376-5833

Andrew Armenta P.O. Box 4 Conejos Co. 81120 376-5833

Please return to: Conejos County for Clean Water, Inc., P. O. Box 153, Antonito, CO 81120

Attachment B

County: Governor says poverty numbers have improved

Continued from Page A-1

Highest paying jobs on East Coast

The Associated Press

WASHINGTON — Americans have been migrating south and west for decades, but it appears they've been leaving some high-paying jobs behind.

While there are many pockets of wealth in the South and West, the states with the highest wage earners live the East Coast, according to Census data released Tuesday.

Connecticut, with a median household income of \$36,409, supplanted New Jersey as the country's highest wage state in 2003, the most recent year available. New Jersey slid to second, at \$36,356, followed by Maryland, Massachusetts and New Hampshire.

Mississippi had the lowest median income, at \$32,397. West Virginia, Arkansas, Louisiana and Montana rounded out the bottom five.

Census figures show that Southern and Western states have been growing in population much faster than those in the Northeast and Midwest. But despite those population shifts, the list of wealthiest — and poorest — states in 2003 looks a lot like the list from a decade before.

we do have a positive impact on the regional economy and do create spinoffs," lab spokesman James Rickman said.

Bradley said the lab is morally obligated to do as much local hiring and contracting as possible.

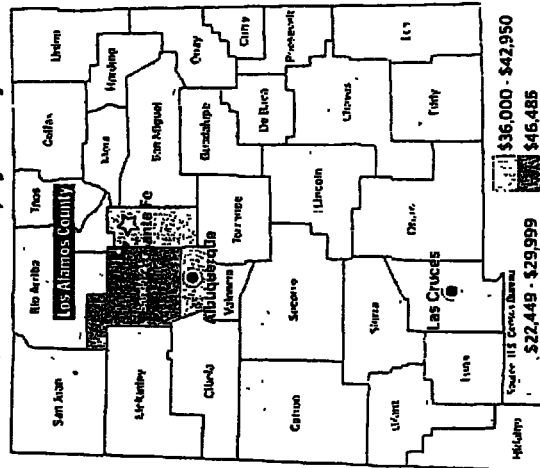
"It should be an engine of job growth and an improved economy in the Hispanic north," Bradley said.

The president of a Los Alamos lab employee group agreed with Bradley's concerns. Manny Trujillo of the University Professional and Technical Employees Association said regional development has not yet progressed to the point where the local economy could absorb a major layoff at the lab.

"And I'm hoping that the next contractor does focus on technology transfer, the commercialization of technology that would benefit and stay in New Mexico," Trujillo said.

A spokeswoman for Los Alamos County was not surprised with Tuesday's ranking and said the county has been near the top for several years. The county also is making an effort

Estimated median household income in New Mexico, by county



\$36,000 - \$42,950
\$22,449 - \$29,999
\$30,000 - \$35,999

Alexander Ustache/The New Mexican

Contact Andy Lenderman
at 995-3827 or
alenderman@sfnewmexican.com

Los Alamos County wealthiest in nation

*Area's median household
income at \$93,089, but
poverty persists in state*

By Andy Lenderman
The New Mexican

11-30-05

Los Alamos County is the wealthiest in the country, U.S. Census data shows, while nearly a third of the state's young children continue to live in poverty.

The U.S. Census Bureau released new data for 2003 on Tuesday which shows dramatic differences in how New Mexicans live.

The median household income in Los Alamos County, home of Los Alamos

AT A GLANCE

The top and bottom five New Mexico counties in median household income:

TOP FIVE

Los Alamos County
\$93,089
Sandoval County
\$46,485
Santa Fe County
\$42,950
Bernalillo County
\$41,062
Valencia County
\$35,944

BOTTOM FIVE

Guadalupe County
\$24,161
Quey County
\$23,568
Sierra County
\$23,111
Hidalgo County
\$22,451
Luna County
\$22,449

National Laboratory, was \$93,089 for 2003, the highest in the country. Santa Fe County's median income was \$42,950, and Rio Arriba's was \$32,468.

And 29.5 percent of the state's children 4 years old or younger lived in poverty.

"What concerns me is the unevenness," said Gerry Bradley, an economist with the advocacy group New Mexico Voices For Children. "You have peaks and valleys in median income throughout the state."

The median income nationwide is \$43,318. Around the country, 20.3 percent of children 4 years old and younger live in poverty. In New Mexico, the median income was \$35,091. Luna County had the state's lowest median

household income at \$22,449.

Bradley, a former state government economist, said New Mexico's economy is growing but could be better.

"We don't have enough job growth, and the right kind of job growth to pull the working-class people out of poverty," Bradley said.

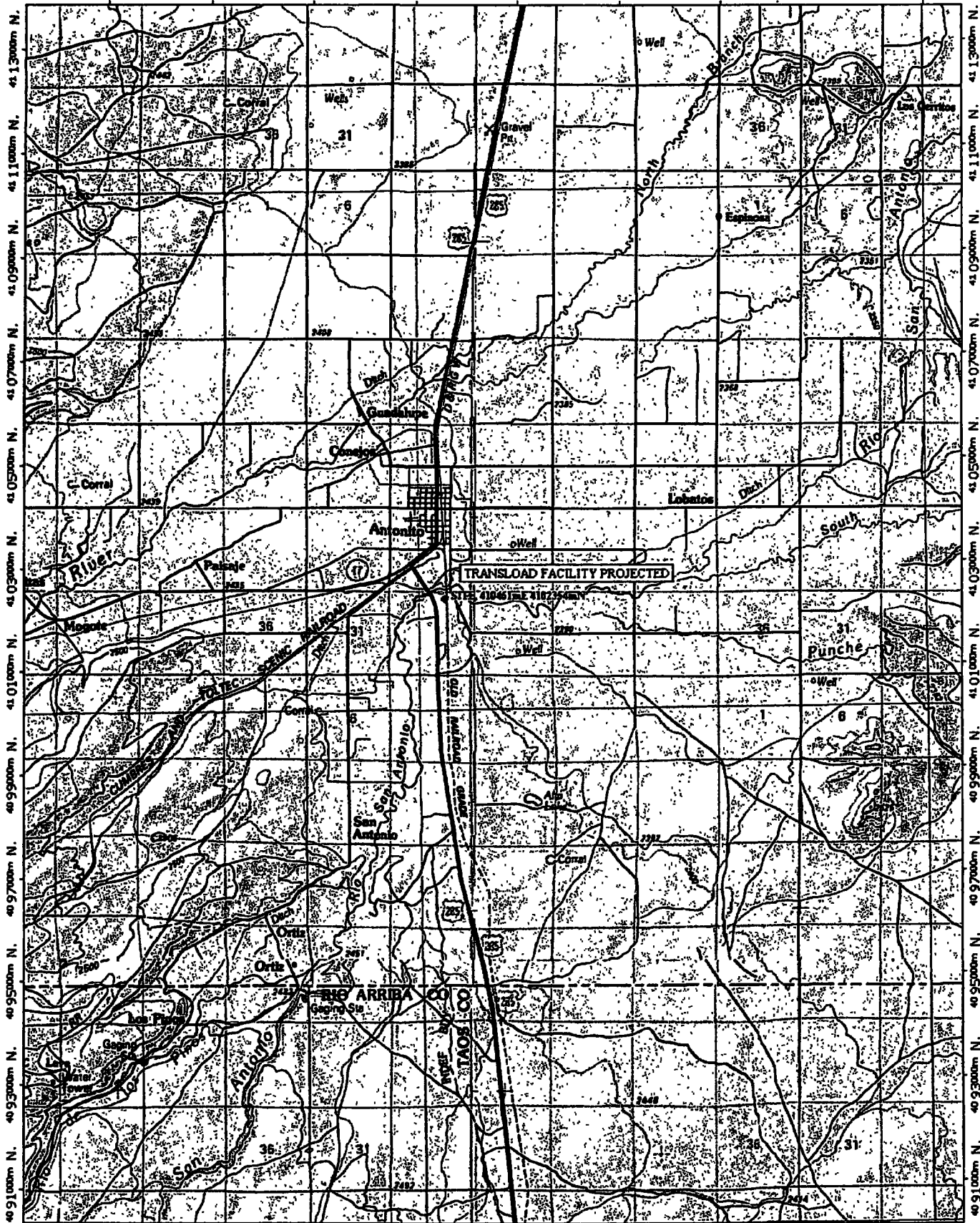
U.S. Rep. Tom Udall, D-N.M., represents Northern New Mexico and sits on the House Small Business Committee.

"Small business is the engine that drives economic development in New Mexico," he said. "We need to support our small businesses, and the lab should play a cru-

Attachment C

TOPOI map printed on 09/19/10 from "COLORADO.tpo" and "Untitled.tpg"

104000m E. 106000m E. 108000m E. 110000m E. 112000m E. 114000m E. 116000m E. WGS84 Zone 13S 120000m E.



103000m E. 105000m E. 107000m E. 109000m E. 111000m E. 113000m E. 115000m E. WGS84 Zone 13S 120000m E.

0.0 0.5 1.0 1.5 2.0 2.5 3.0 3.5 miles

0 1 2 3 4 5 km

Printed from TOPOI ©2000 National Geographic Holdings (www.topo.com)

Attachment D



Conejos County Land Use Office

P.O. Box 197 • Conejos, CO 81129 • (719) 376-2014 • Fax: (719) 376-6769

September 14, 2010

Mr. Michael A. Trujillo
PO Box 562
Antonito CO 81120

RE: Conejos County Land Use Code

Dear Mr. Trujillo:

Please accept this letter as certification that the following documents are official pages of the Conejos County Land Use Code and have been reproduced from the documents that are recorded in the office of the Conejos County Clerk & Recorder:

Reception #5000934 – 06/02/05 at 4:18 PM Page 42 of 172 LUC (Page 26)
Reception #5000934 – 06/02/05 at 4:18 PM Page 43 of 172 LUC (Page 27)
Reception #5000934 – 06/02/05 at 4:15 PM Page 44 of 172 LUC (Page 28)
Reception #5000934 – 06/02/05 at 4:15 PM Page 45 of 172 LUC (Page 29)
Reception #5000934 – 06/02/05 at 4:15 PM Page 46 of 172 LUC (Page 30)

These pages are part of Article 3 – Administration and General Application and Review Procedures, Section 3.220 – Review of Application by Land Use Administrator, Section 3.230 Notice of Public Hearing, Section 3.3240 Conduct of Public Hearing and Section 3.250 Appeal Process. These documents are available to the public at all times.

Please let me know if you should need additional information.

Sincerely,

Linda L. DeHerrera
Land Use Administrator

- s. A vicinity map adequate to clearly depict the general location.

Section 3.220 Review of Application by Land Use Administrator

The Land Use Administrator shall review all Land Use Applications as follows:

A. Completeness Determination. Within fifteen (15) working days of receipt of the application, the Land Use Administrator shall determine whether the application is complete in regard to the submittal requirements for the specific application. The Land Use Administrator shall also assess whether or not an application for a zone change should also be submitted by the applicant for the proposed use.

1. **Application is not Complete.** If the application is not complete, the Land Use Administrator shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the Land Use Administrator shall notify the applicant in writing that, unless the applicant responds, the application will be withdrawn and returned to the applicant and the application fee forfeited.
2. **Application is Complete.** If the application is complete, the Land Use Administrator shall certify it as complete and stamp it with the date of the application acceptance. The Administrator shall notify the applicant, in writing, of the application's completeness. If a public hearing is required pursuant to this Code, the hearing will be scheduled within forty five (45) calendar days of completeness. If no public hearing is required the Administrator will review the application and issue a decision with forty five (45) calendar days.

B. Evaluation. The Land Use Administrator shall review the application to determine whether it complies with applicable standards and shall prepare a staff report detailing this determination. The report will be proved to the applicant and the appropriate review board.

C. Referral Letters. If referral letters are deemed necessary, the Land Use Administrator shall cause the application materials, or any portion thereof, to be submitted for referral review and comment by any agency, organization, or governmental entity deemed appropriate. The referral review and comment period shall be for a period of time up to thirty (30) calendar days from the date that the application is deemed complete, unless a necessary extension of not more than thirty (30) calendar days has been consented to by the applicant and the Planning Commission. The failure of any office to respond within the prescribed time period shall for the purpose of the hearing on the proposed use be an approval of such proposal.

Referral Agencies may include, but are not limited to, any of the following that in the opinion of the Land Use Administrator may be affected by the proposal or be otherwise competent to provide relevant information or analysis concerning the potential impact of the proposal.

1. The local school district;
2. A community or municipality in the vicinity of the proposal;
3. Utility, local improvement and service districts or ditch companies as applicable;

4. The Colorado State Forest Service, United State Forest Service, or the Bureau of Land Management when applicable;
5. The appropriate local soil conservation district board;
6. The Colorado State Health Department;
7. The Colorado Geological Survey;
8. The Colorado Division of Wildlife;
9. The Colorado Department of Transportation;
10. Such other agencies, entities and groups as the Land Use Administrator may deem advisable.

Section 3.230 Notice of Public Hearing.

Certain Land Use Permits will require a public hearing. When a public hearing is required, the following public notice shall be required unless otherwise specified.

A. Manner and Type of Notice

1. **Notice by Publication.** At least fourteen (14) calendar days prior to the day of the scheduled public hearing before the Planning Commission, and at least thirty (30) calendar days prior to the day of the scheduled public hearing before the Board of County Commissioners or the Board of Adjustment, a notice of public hearing shall be published in a newspaper of general circulation in Conejos County. Publication of said notice shall follow a form prescribed by the County.
2. **Notice to Adjacent Property Owners.** At least fourteen (14) calendar days prior to day of the scheduled public hearing by the Planning Commission or at least thirty (30) calendar days prior to a hearing with Board of Adjustment, the Land Use Office shall mail a written notice of the public hearing by First Class Mail to the owners of record of all property within five hundred (500) feet of the boundaries of the property in question. This distance provision may be expanded up to two thousand five hundred (2500) feet by the Land Use Administrator in the case of large subdivisions and other special circumstances that so warrant.

Notice shall include a vicinity map, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.

3. **Posting of Notice.** At least fourteen (14) calendar days prior to the day of the scheduled public hearing before the Planning Commission or Board of Adjustment, the applicant shall post notice of the public hearing on the property. Such notice shall consist of at least one sign facing each adjacent public right-of-way within ten (10) feet of the property line, so as to be fully visible from that right-of-way. Such sign shall be erected no less than four feet nor more than six feet above ground level. The applicant shall engage in reasonable efforts to

maintain the sign in that location until a final decision on the application is rendered.

B. Responsibility for Notice. Public notification of the hearing is the responsibility of the Land Use Office, with the exception of posting of the property, which is the responsibility of the applicant.

Section 3.240 Conduct of Public Hearing.

Certain approvals will require a public hearing before the Planning Commission, Board of County Commissioners or the Board of Adjustment. The following are procedures for the conduct of that meeting.

A. Rights of All Persons. Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing. Each person appearing at a public hearing must be identified by name and address and, if appearing on behalf of a person or organization, must state the name and address of the person or organization being represented.

B. Ex Parte Communications. Members of decision-making bodies shall not engage in communications outside of a regularly noticed public hearing with the applicants and their agents and applicants and their agents shall not engage in communications with the Planning Commission, Board, or other decision making body about applications under review or reasonably anticipated to come under review. If an ex parte communication is attempted by telephone, in person, by fax or other means outside of a regularly scheduled public meeting, the member of the decision-making body involved shall first attempt to stop the party from the prohibited behavior, then document the communication and notify the Land Use Administrator by telephone or in written form. The Administrator shall then enter that documentation into the public file. The Administrator shall report that documentation at the next meeting or hearing on the subject application. No ex parte communication shall be considered by a decision-making body, or any of its members, in making a decision on a land use permit matter.

C. Executive Sessions. An executive session may be held as needed in accordance with Colorado Revised Statute 24-6-402.

D. Order of Proceedings. When a public hearing is required under this Land Use Code the following procedures are recommended:

1. **Opening of Public Meeting.** Chair declares that the public hearing is open.
2. **Written Staff Report.** Five (5) working days prior to the date of the public hearing, the Land Use Administrator shall submit a staff report to the review body. A copy of the Staff Report shall also be provided to the Applicant at least five (5) working days in advance of the public hearing. A copy of the Staff Report shall also be available for public review if requested.
3. **Confirmation of Adequate Public Notice.** The Land Use Administrator shall report whether or not adequate notice has been accomplished pursuant to Section 3.230.

4. **Land Use Administrator Presentation.** The Land Use Administrator shall describe the applicant's proposed project, identify the standards of this Code that apply to the proposed project and provide an objective examination of the findings of fact to establish whether the application meets those standards. The Land Use Administrator will also present the comments of any referral agencies.
5. **Questions by Review Body.** The review body may ask questions of the Land Use Administrator.
6. **Applicant's Presentation.** The applicant shall make an oral presentation on behalf of the application.
7. **Questions by Review Body.** The review body may ask questions of the applicant or the Land Use Administrator.
8. **Chair Lays Ground Rules for Public Comment.** The Chair may establish whether groups present are represented by a spokesperson. The chairperson conducting the public hearing may set rules of conduct and reasonable time limits for testimony or presentation of evidence. The person offering that testimony or evidence shall have an opportunity to enter it into the record in writing at the public hearing. The public should be advised to discuss whether the application satisfies the approval criteria, not whether they are for or against the proposal.
9. **Public Comments.** Public comments and questions shall be heard. Written comments that have been received before the hearing shall be reported by the Land Use Administrator and acknowledged to be part of the hearing record. No further public comments shall be heard once this portion of the meeting has concluded.
10. **Applicant Response.** The applicant may respond to any comments or questions made by the public, the Land Use Administrator, or the review body.
11. **Questions by Review Body.** The review body may ask questions of the applicant, the Land Use Administrator, or members of the public in attendance.
12. **Land Use Administrator Response.** The Land Use Administrator may respond to any statement made by the applicant, the public, or the review body.
13. **Close or Continuance of Public Hearing.** The body conducting the hearing may close the public hearing or continue it to a fixed date and time acceptable to the applicant. Notice of the continued meeting need not be republished, however the date that the meeting will be continued to must be announced before the end of the meeting. If the hearing is not continued, it shall be closed.
14. **Deliberation and Decision.** Following testimony by the applicant, the Land Use Administrator and public and questions by the review body, the review body shall close the hearing to further testimony and proceed with deliberations.

E. Record of Public Hearing. The body conducting the public hearing shall record the public hearing by any appropriate means, including audiotape or videotape, and detailed written minutes.

F. Record of Decision. The record of decision includes: the taped record of oral proceedings, including testimony and statements of personal opinions; the minutes of the hearing and other meetings of the review body; all applications, exhibits, letters and papers submitted in a timely fashion by any person to the County regarding the application; the Land Use Administrator Report; timely referral agency reports and the decisions of the recommending and decision-making bodies. Those materials, on presentation to the County, shall become the public property of the County and shall not be removed without proper authorization.

Resolutions and surveyed plats (if required) are recorded in the Office of the Clerk and Recorder and land use changes shall be noted on the Zoning Map.

Section 3.250 Appeal Processes

A. Appeal of Administrative Decisions.

1. **Request for Review by Board.** An applicant may request review by the Board of County Commissioners of a decision made by the Land Use Administrator by filing a written request within ten (10) working days of notice of the decision, a notice of a violation of the code or a notice of termination of a non-conforming use. (This does not include interpretations of the code made by the Land Use Administrator. These are appealed to the Board of Adjustment. See Section 6.200). The written request shall include the reasons why the appellant believes that the Administrator's decision is incorrect, including any materials or evidence to support the appeal.
2. **Consideration by the Board.** Upon receiving the applicant's request for appeal, the Land Use Administrator shall schedule a public hearing before the Board of County Commissioners at a regular meeting, not more than forty-five (45) calendar days from the receipt of the applicant's request for appeal. The hearing shall be publicized in accordance with Section 3.230, however it is not necessary to post a notice of the hearing on the property or to mail notice of the hearing to adjacent property owners. The Board shall review the written request and hear testimony from the Administrator and the appellant at the public hearing conducted in accordance with the provisions of Section 3.240. The Board shall uphold the decision, modify the decision, or reverse the decision.

B. Appeal of Decisions by the Board of County Commissioners or the Board of Adjustment. Those aggrieved by a decision of the Conejos County Board of County Commissioners or the Board of Adjustment, may appeal such decisions within thirty (30) days to the Conejos County Combined Court. (This does not include appeals of decisions regarding Major Electrical and Natural Gas Facilities. For this process see Section 5.420.)

Attachment E



Hittman Transport Services Inc. USDOT 157942 duct taped sign and US DOT327574 permanent marking on the door.

Attachment F

AFFADAVIT STATING FACTS ON INFORMATION AND BELIEF

STATE OF Colorado
COUNTY OF Conejos

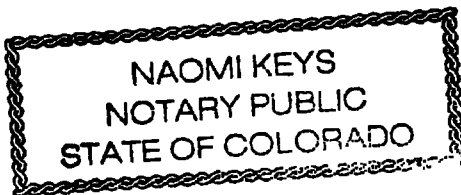
PERSONALLY appeared before me, the undersigned authority in and for said county and state, Richard Winters, who, having been being first duty sworn by the undersigned Notary Public, deposes and says:

Affiant is informed and believes, and on such information and belief, and in good faith states the following:

On Dec. 11, 2009, during a loading-transfer demonstration at the proposed transfer site south of Gutierrez, drivers from Hitman Trucking came to the site with sacks of 'dirt' contaminated with PCBs and depleted uranium. They proceeded to demonstrate the loading of the supersacks into gondolas. During this time I observed water puddled on the flatbed under the sacks. I questioned this because the sacks were supposed to be water resistant.

Richard Winters

SWORN to and subscribed, before me, this the 8th day of, October, 2010.



Naomi Keys

NOTARY PUBLIC

My Commission expires:

April 8, 2011

Attachment G

JOHN T. SALAZAR

3RD DISTRICT OF COLORADO

326 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-4761
202-226-9669 (FAX)



COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON
ENERGY AND WATER

SUBCOMMITTEE ON
MILITARY CONSTRUCTION AND
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515

May 24, 2010

Steven Chu, Secretary
Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Re. Shipment of Class 9 and Class 7 remediation waste through Conejos County, Colorado

Dear Mr. Secretary:

I have been contacted by residents of Conejos County, Colorado concerned about the shipment of Class 9 and Class 7 remediation waste from Los Alamos National Labs through their county. As you may know, the shipment of this waste was first initiated in late November of 2009 without any communication with these communities. Rail shipments were suspended in mid-December of 2009 due to a combination of county land-use concerns and the need to apply for a state highway access permit.

Over the past five months, I have been working closely with Conejos County, the San Luis and Rio Grande Railroad and Energy Solutions as the entities explore the scope of their regulatory jurisdiction at a trans-load facility next to the San Antonio River. Recent negotiations resulted in a draft Settlement Agreement that would allow shipments to move forward with express stipulations reflecting the concerns of my constituents. However, the Settlement did not satisfy the ongoing concerns of the community. During that time, I understand the shipment of this waste has been diverted outside of these communities to its destination in Clive, Utah.

Up until this point, out of respect to Conejos County's land use jurisdiction and the right-of-way interests of the railroad, I have not felt it was appropriate to weigh-in on this matter. However, this issue remains highly controversial to the citizens of Conejos County. It is now quite obvious to me that my constituents do not want this waste to be brought to their community. While I understand this will require additional road miles, I ask you to use all discretion to continue to divert these shipments out of Conejos County until an agreement can be reached among Conejos County, Energy Solutions and the San Luis and Rio Grande Railroad that is satisfactory to my constituents. As a proud Conejos County native, many of these constituents are my friends and neighbors.

134 WEST B STREET
PUEBLO, CO 81003
719-543-8200
719-543-8204 (FAX)

225 NORTH 5TH STREET, STE 702
GRAND JUNCTION, CO 81501
970-245-7107
970-245-2194 (FAX)

609 MAIN STREET, #6
ALAMOSA, CO 81101
719-587-5105
719-587-5137 (FAX)

813 MAIN AVENUE, STE 300
DURANGO, CO 81301
970-259-1012
970-259-9467 (FAX)

Thank you very much for your consideration. Please keep my Alamosa office informed of any developments related to this matter.

Sincerely,

A handwritten signature in cursive script, reading "John T. Salazar". The signature is written in dark ink and is positioned above the printed name.

John T. Salazar
Member of Congress

Attachment H

JOHN T. SALAZAR

3RD DISTRICT OF COLORADO

326 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

202-225-4761

202-226-9669 (FAX)



COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON
ENERGY AND WATER

SUBCOMMITTEE ON
MILITARY CONSTRUCTION AND
VETERANS' AFFAIRS

**Congress of the United States
House of Representatives
Washington, DC 20515**

June 2, 2010

Steven Chu, Secretary
Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Re. Shipment of Class 9 and Class 7 remediation waste through Conejos County, Colorado

Dear Mr. Secretary:

As you may recall, I wrote you on May 24, 2010, regarding my concerns with the shipment of Class 9 and Class 7 remediation waste from Los Alamos National Labs through Conejos County, Colorado. In that letter, I asked you to use all discretion to continue to divert these shipments out of Conejos County until an agreement could be reached among Conejos County, Energy Solutions and the San Luis and Rio Grande Railroad that might be satisfactory to my constituents. I appreciate your attention to that request and the temporary suspension of those shipments since May 25th while the parties worked on such an agreement.

I write you again today after receiving a letter from the Conejos County Board of Commissioners on June 1 asking my assistance in requesting a permanent redirection of those shipments out of Conejos County. After personally discussing their concerns, I am asking today that you use all discretion to respect their concerns and permanently redirect the shipments of this waste. As a proud Conejos County native, many of these constituents are my friends and neighbors.

Thank you again for your consideration. Please keep my Alamosa office informed of any developments related to this matter.

Sincerely,

John T. Salazar
Member of Congress

134 WEST B STREET
PUEBLO, CO 81003
719-543-8200
719-543-8204 (FAX)

225 NORTH 5TH STREET, STE 702
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719-587-5105
719-587-5137 (FAX)

813 MAIN AVENUE, STE 300
DURANGO, CO 81301
970-259-1012
970-259-9467 (FAX)

Attachment I



Valley Courier

Railroad resumes transload operations

CDOT grants permit

STAFF REPORT

ANTONITO — San Luis and Rio Grande Railroad announced on Wednesday that it has purchased land south of Antonito and obtained an access permit from Colorado Department of Transportation, enabling the railroad to resume their transload operations. Representatives of the railroad met with representatives of Conejos County to inform them that the transload operations are being restarted.

Railroads are regulated by the Federal Surface Transportation Board and transload facilities such as the one

south of Antonito operate under the federal certificate.

"Even though a land use permit is not required to resume transloading operations, we have agreed that we will operate under this federal authorization until Conejos County issues a permit," said Ed Ellis, president of the railroad.

"We are pleased to be able to operate this facility for transloading of sealed containers onto railcars that would otherwise be trucked. In addition to providing more job opportunities to the local community, we are saving the taxpayers money through the use of lower-cost, and safer

■ See Rail page 3

Rail

■ Continued from Page 1

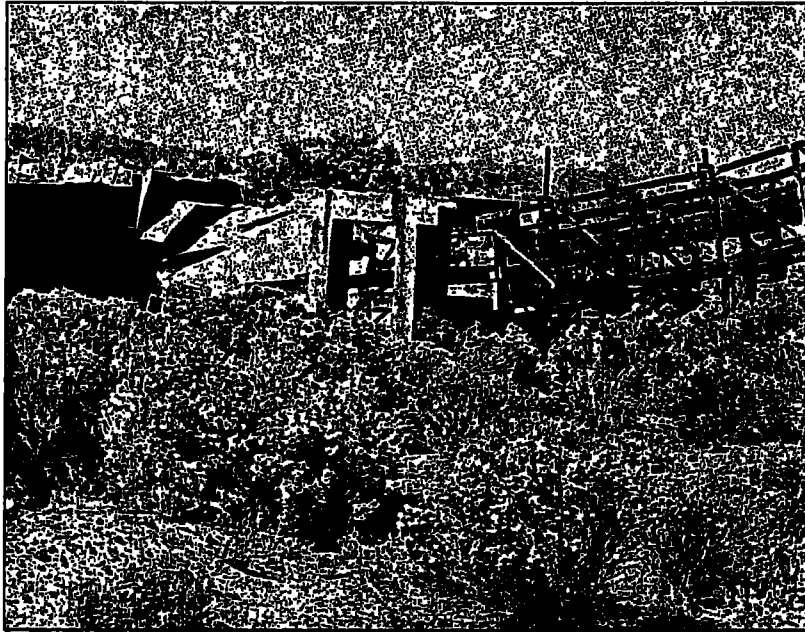
rail transportation. The revenue from this move is essential in this recession for us to continue maintaining our track, which is in compliance with all safety regulations," continued Ellis.

A public open house about Los Alamos National Laboratory rail shipments is scheduled today (Thurs., May 6) from 5-7 p.m. in the Antonito Junior High School cafeteria.

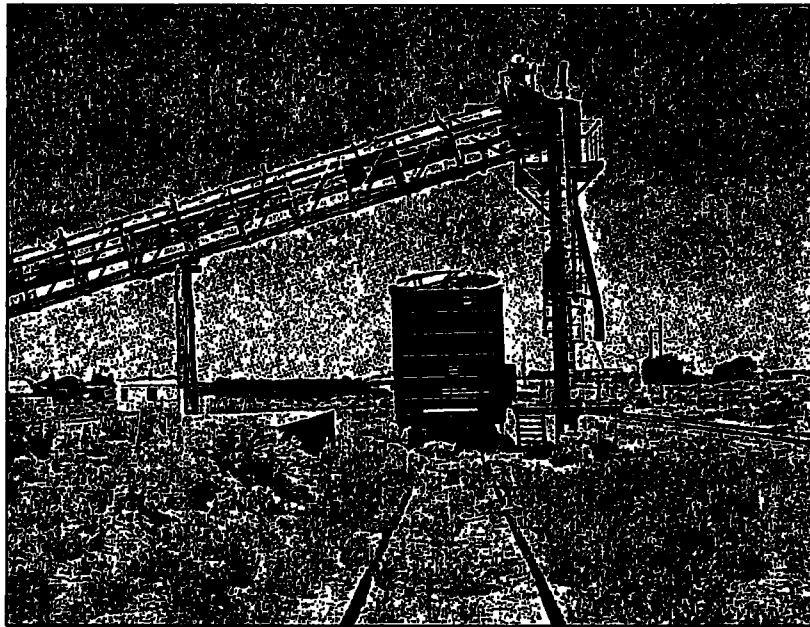
The railroad also discussed with the county the need for an educational effort in the schools about safety around railroads. San Luis and Rio Grande participates in the national Operation Lifesaver programs which focuses on teaching motorists and pedestrians about the need to watch for trains and stay off the tracks.

The railroad is continuing efforts to develop an industrial park near the state line south of Antonito to handle bulk agricultural and mineral products. One potential user would develop a lumber mill to produce dimensional lumber and excelsior, creating 20 to 40 jobs in Conejos County. The railroad is working with the county, the state, and Congressman John Salazar's office on potential funding sources.

Attachment J



Please see the rusty conveyor base indicating the abandoned state of the property.



Please see rusty conveyor top indicating abandoned state of the property.
The rail gondola has been on the site since November of 2009.

Attachment K



Department of Energy
National Nuclear Security Administration
Washington, DC 20585



July 9, 2010

The Honorable John T. Salazar
Member
U.S. House of Representatives
326 Cannon House Office Building
Washington, D.C. 20515

Re: Shipment of Waste through Conejos County, Colorado

Dear Congressman Salazar:

Secretary Chu has asked me to respond to your May 24 and June 2, 2010, letters in which you expressed concerns regarding shipment by rail of Department of Energy (DOE) wastes through Conejos County, Colorado. In your most recent June 2 letter, you requested that the DOE permanently redirect shipments of these wastes out of Conejos County.

DOE takes very seriously the concerns of members of Congress and the public. In recognition of the concerns of both Conejos County and your office, we understand that EnergySolutions voluntarily suspended the practice of loading DOE waste containers onto rail cars in Conejos County pending the conclusion of further discussions on this matter. To fully understand the concerns you have heard expressed, an explanation of the environmental clean-up effort at the Los Alamos National Laboratory (LANL) may be helpful.

Background

As a commitment to clean-up the contamination from past national security activities at LANL, the DOE entered into a Consent Order with the State of New Mexico in 2005. Many of the required cleanup activities involve the removal of contaminated waste, which is containerized and shipped to a licensed disposal facility in compliance with all applicable laws, regulations, and DOE orders. The pace of these clean-up activities is strictly governed by milestones contained in the 2005 Consent Order and DOE is subject to fines and penalties in the event that those milestones are missed. An internationally recognized firm, EnergySolutions, is under subcontract to LANL to package, transport, and dispose of this contaminated waste.

The subcontract defines the task (e.g. transport and dispose of the waste according to federal, state and local laws) but does not define how the task is to be accomplished. It is the contractor's responsibility (in this case EnergySolutions) to determine the safest



and most efficient approach to accomplishing the task in compliance with all applicable regulatory and permitting requirements.

Chronology

Initial transload activities in Conejos County, near the Town of Antonito, took place in the latter part of 2009. Upon recognition of important community concerns about transloading of containers from trucks to rail cars, EnergySolutions voluntarily suspended its operations until these concerns could be addressed. We are informed that those transloading operations remain suspended. We are further informed that EnergySolutions and the San Luis & Rio Grande Railroad (SLRG) proposed a number of concessions to address the community's concerns while, at all times, working within the parameters of applicable federal, state and local laws and regulations. These steps were memorialized in a May 14, 2010, Agreement-in-Principle. We understand that the Board of County Commissioners rejected that Agreement against the advice of the Conejos County Attorney.

As a result of the suspension of the transloading activities, EnergySolutions has continued the shipments of these waste materials to its Utah disposal site by truck, incurring over 625,000 road miles that otherwise could have been avoided if rail had been used for transportation. Some of the potential transportation routes would involve highways in southwestern Colorado. Restarting transloading operations would eliminate the need for waste being transported over millions of additional highway miles and reduce the associated potential risks to the public.

Waste Characteristics

The containerized waste from LANL that would be transloaded at the Conejos County facility is extremely well characterized, and will only be the lowest classification of low-level radioactive waste (Class A LLW). The EnergySolutions facility can only accept Class A LLW for disposal according to its current operating license and has committed not to ship anything higher than Class A LLW. The majority of these wastes contains small quantities of polychlorinated biphenyls and are routinely handled and transported in an environmentally safe and sound manner. Future wastes would also be Class A LLW and may or may not contain PCBs.

I also note that over seventy percent of the clean-up waste materials shipped from LANL have had such low levels of radioactive contamination that it was below the threshold levels requiring regulation by U.S. Department of Transportation (DOT).

Safety

DOE is committed to ensuring that all of its clean-up and disposal operations are performed in the safest possible manner. While truck transportation can be performed safely, our analysis indicates that rail is the safest transportation mode. Statistically, truck transportation involves twenty times more transportation-related incidents (these

are typical vehicular accidents that do not involve radiological releases) when compared to rail incidents for the same per ton-miles; personnel working in the rail industry are more than fifty percent less likely to experience an injury and eighty percent less likely to experience a fatality, than employees in the trucking industry; and truck transportation, based on conservative estimates, uses more than twice the amount of fuel per ton-mile shipped when compared to rail. In addition, we are informed by EnergySolutions that no waste containers are opened during the transload process; rather, sealed and intact containers are transferred by crane from truck to railcar. Although not required, we also understand that EnergySolutions has agreed to place an impermeable liner beneath this transfer point to provide an additional measure of environmental protection.

I appreciate and respect the position you have taken in representing your constituents. We believe that the work to be conducted by EnergySolutions is of benefit to the nation as a whole and will be conducted in a manner that minimizes risk to the citizens of the Conejos County region and beyond.

I remain committed to maintaining the safest approach to DOE clean-up operations, and I am happy to arrange an opportunity for you to meet with DOE subject matter experts. Additionally, I would like to invite you to visit the Los Alamos National Laboratory at your convenience to learn more about its mission and activities. We remain hopeful that, with your help, an amicable solution beneficial to your constituents and protective of the public and the environment may be reached with EnergySolutions and the SLRG.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald L. Cook". The signature is fluid and cursive, with a large, stylized "D" and "C".

Donald L. Cook
Deputy Administrator
for Defense Programs

Attachment L



Photos by EE Mullens

Solomon Mondragon of the SLRG railroad inspects where the locomotive went off the tracks just east of Monte Vista on Wednesday. Mondragon was on scene to re-rail the train engine. One of two ways will be used to accomplish the project; the use of re-rail track sections and pulling the locomotive back onto the tracks from behind with another engine, or the use of a heavy capacity crane to life the engine back onto the rails.

JAN 28 2018

www.alamo.com

www.alamo.com

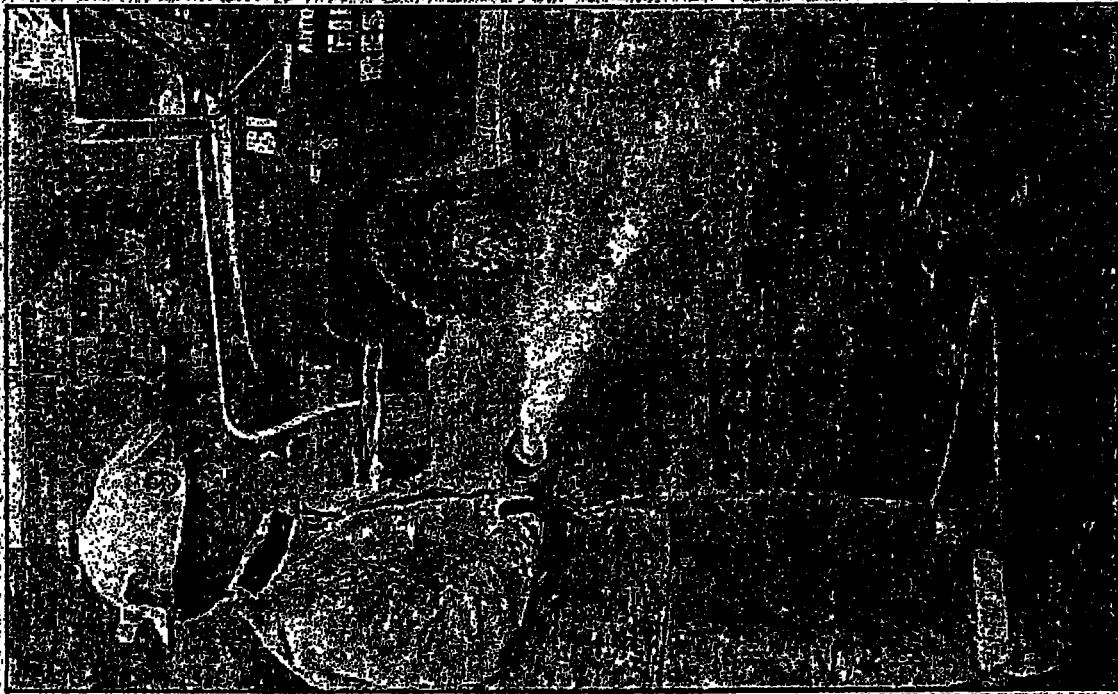
Rated one of the nation's

Friday
May 1 1974
and

Valley Courier

Valley News

Page 3



Courier photo by Publisher Keith R. Gentry

Romeo fire spreads rapidly

Officials on scene said multiple fires were apparently ignited by a faulty wheel on a railroad car in and near Romeo on Thursday afternoon. Spot fires were evident over a 1/2 mile area, beginning about 1/2 mile south of Romeo and continuing about 1/2 mile north of town. Fire departments from Romeo, Manassas, Anthonio, Sanford and La Jara responded to the blaze which reportedly burned down at least one small structure. Mark Sowards of the Anthonio-South Conejos fire department is shown dousing hot spots while an unknown man operates a nozzle where a small structure apparently had stood, next to a large, blackened firewood pile. Matt Abbey, general manager for the San Luis and Rio Grande Railroad, was not available for comment and no one else would discuss the railroad's involvement in the fire.

Attachment M



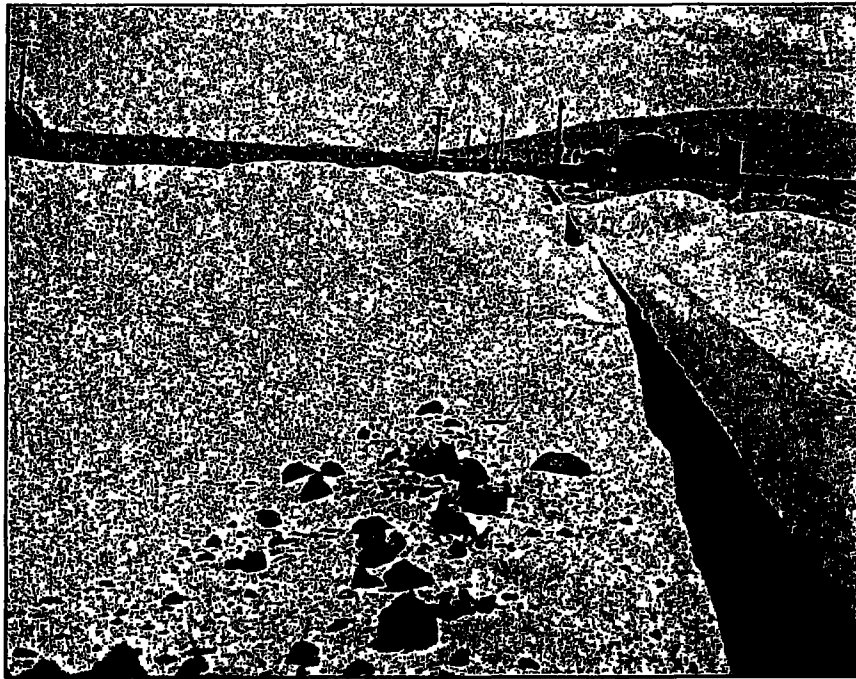
This bridge is 250 feet from the proposed transfer site, and it is over the San Antonio River, a headwaters tributary to the Rio Grande. Several 100 ton (not including the weight of the gondola) rail gondolas are proposed to be travelling over this bridge daily.





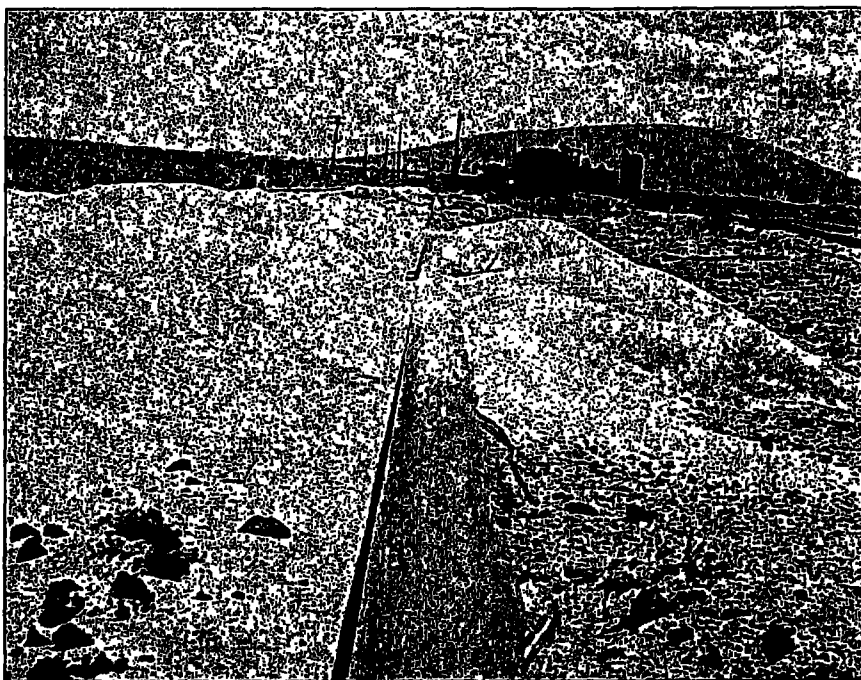
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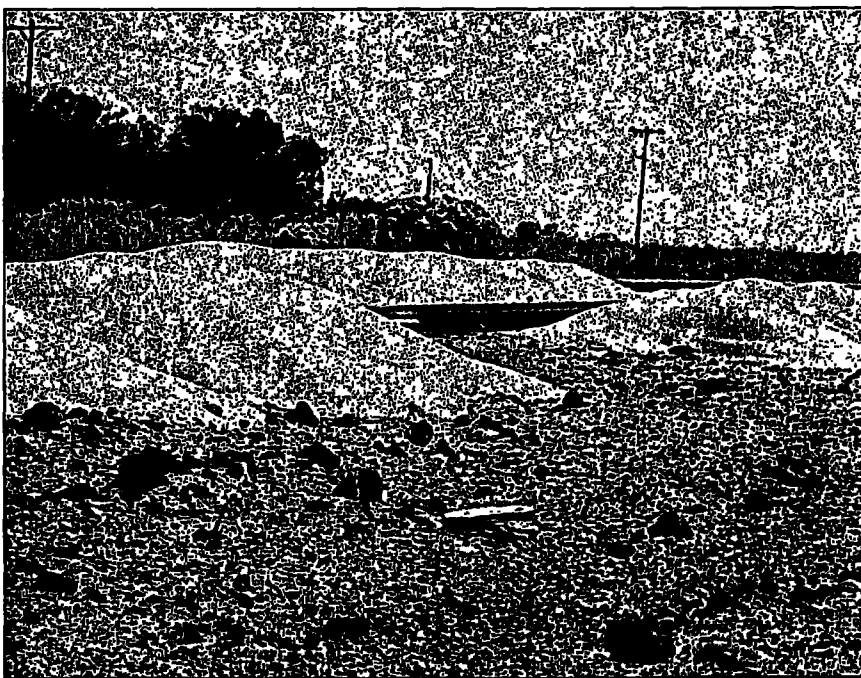


The freight cars routinely empty Perlite around the town of Antonito.





The freight cars routinely empty Perlite around the town of Antonito.



Attachment N



Conejos County Land Use Office

P.O. Box 197 • Conejos, CO 81129 • (719) 376-2014 • Fax: (719) 376-6769

September 9, 2010

Colin Austin – VP South Operations
Energy Solutions
176 Central Park Square
Los Alamos NM 87544

RE: Special Use Review Application

Dear Colin Austin:

Your application for a Special Use Review has been processed and is deemed complete. After I consult with Steve Atencio, I will let you know if Attachment A is going to part of the submittal.

Please note that the public hearing before the Conejos County Planning Commission is scheduled for Wednesday, September 29, 2010 at 6:45 PM. Your presence is required.

The notices to the surrounding landowners within 500' of the subject property will be mailed no later than Tuesday, September 14, 2010. The notice in the newspaper will be published on 09/11/10 and 09/14/10. I will provide you with a list of the agencies that will be noticed of this public hearing process and the posting of the notice on the subject property is your responsibility. The attached information must be posted on the property no later than Tuesday, September 14, 2010.

I really appreciate the information and the manner in which you submitted your application.

Please contact me by phone or email if you have any questions.

Sincerely,

Linda L. DeHerrera
Land Use Administrator



September 9, 2010

BD10-0023

Linda L. DeHerrera
Land Use Administrator
County Courthouse
6683 County Road 13
Conejos CO 81129
719-376-2014 Phone
719-376-6769 Fax
linda@co.conejos.co.us

Subject: Conejos County Land Use Special Use Review Application

Dear Linda,

Please find enclosed the Land Use Special Use Review application for the proposed transload facility located at 4864 State Highway 285, Antonito, CO.

Please feel free to contact me at (801) 649-2142 (office) or (801) 550-9058 (mobile) if you have any questions.

Sincerely,

Bret Rogers
Sr. Vice President
Waste Management Services



Notarized Letter from San Luis and Rio Grande Railroad, Inc.

EnergySolutions, LLC (EnergySolutions) is submitting a "Land Use Special Use Review" application to Conejos County to operate a containerized truck-to-rail transload facility located on property owned by the San Luis and Rio Grande Railroad, Inc. (SLRG). As part of the application, the owner of the property must submit a notarized letter authorizing the use of the land.

This notarized letter from SLRG authorizes EnergySolutions to use the property described below as a containerized truck-to-rail transload facility

Property Location: 4864 State Highway 285, Antonito CO. Physically located on the east side and adjacent to highway 285 approximately 6 miles north of the Colorado / New Mexico border and ½ mile south of the intersection of highways 285 and 17, south of the town of Antonito, Colorado.

Signed by:


Todd N. Cecil

Vice President – Real Estate Development

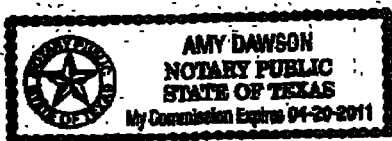
STATE OF TEXAS)

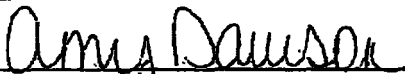
) SS:

COUNTY OF TERRY)

Before me, the undersigned, a Notary Public in and for said County, this 8th day of September, 2010, came Todd N. Cecil, Vice President Real Estate Development, on behalf of San Luis & Rio Grande Railroad, Inc. and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.





Printed Name

Amy Dawson

Residing in

Terry County, Texas

My Commission Expires:

4/20/2011

Conejos County

Land Use Office PO Box 197, Conejos, CO 81129
PHONE 719-376-2014 FAX 719-376-6769

Land Use Special Use Review - Application

APPLICANT

Name: Colin Austin - VP Southwest Operations, EnergySolutions
Mailing Address: EnergySolutions, 176 Central Park Square, Los Alamos, NM 87544
City/State/Zip Code
Telephone: 505 663 7212 Fax: 505 661 2541 Email: causin@energysolutions.com

PROPERTY OWNER/S *(If different than applicant, a notarized letter from the owner/s consenting to this application, must be submitted.)*

Name: San Luis & Rio Grande Railroad, Inc.
Mailing Address: 118 S. Clinton Street, Suite 400, Chicago, IL 60661
City/State/Zip Code
Telephone: 312 466 0900 Fax: 312 466 9589 Email: rail@iowapacific.com

LEGAL DESCRIPTION OF PROPERTY *(Attach ADMIN printout from County Assessor)*

NE	32	33	9	N/A		
Quarter	Section	Township	Range	Subdivision	Lot	Block

SIZE OF PARCEL: 20.177 acres

CURRENT ZONING: ☐ Agricultural ☐ Rural ☐ Residential
☐ Community/Town-site ☐ Commercial ☒ Industrial

Adjacent Zoning: North: COM/IND South: IND East: IND/AG/RURAL West: RURAL

COMMON DESCRIPTION OF PROPERTY: *(address or mileage from hwy, county road or landmarks)*

The physical address of the property is 4864 State Highway 285, Antonito CO. It is physically located on the east side and adjacent to highway 285 approximately 6 miles north of the Colorado / New Mexico border and 1/2 mile south of the intersection of highways 285 and 17, south of the town of Antonito Colorado.

DESCRIPTION OF EXISTING USE: *(Include subject property and adjacent properties within 500 feet of the subject property)*

SIBRICO leased the property as a transfer station for Perlite from the early 1960's to 1988. DICALITE assumed the lease from 1988 until 2005 for the same purpose. The property has been generally vacant since 2005.

Existing use of adjacent properties within 500 feet of this property are:

North - At the western edge of the northern property boundary is a private residence which also has a special land use permit for a church. To the immediate north of the property is the Colorado Lava Company's Red Rock operation.

East - undeveloped rural agricultural land

West – This rural area is owned by Demetrio and Olive Valdez and contains an agricultural area commonly referred to as the Valle Escondido Ranch. The Valdez family also owns a gravel mining operation in this area.

South – This industrial area contains the GREFCO Perlite mining operations.

DESCRIPTION OF PROPOSED USE:

EnergySolutions proposes to continue the historical use of this property as a truck to rail transloading facility. Packaged low-hazard waste from the Los Alamos National Laboratory environmental cleanup will be transferred from trucked transporters to rail cars for shipment to the EnergySolutions licensed disposal facility in Clive, Utah. The cargo is considered 'in-transit' during its journey from Los Alamos to its final destination in Clive, UT. The transfer from one mode of transportation to another while in transit is a common commercial practice. During this transloading operation the waste packages are never stored or staged on the ground and they do not come in contact with the ground. In addition, the containers are not opened until reaching its final destination at the disposal facility in Clive, Utah.

The materials received and handled at this site are packaged, inspected and transported under rigorous controls established by applicable state and federal regulations in order to assure the safety of personnel and the environment. The containers are designed, constructed, tested, and used to comply with the U.S. Department of Transportation (DOT) requirements. Specifically, these containers are designed and constructed to prevent the release of waste material during transportation.

Upon arrival at the transload facility, the original shipping containers are then directly loaded from the truck into railcars. The railcars are equipped with a hard fiberglass lid which is secured after the containers are loaded from the truck into the railcar. At no time are the original shipping containers opened. The railcar is then billed to the railroad for delivery to the Clive, Utah disposal facility. The typical amount of time required to safely transfer a truck load of waste packages into a rail car is on the order to 15 to 20 minutes.

The contained materials are comprised predominantly of soils with lesser quantities of intermingled construction debris such as wood, electrical cable, metals and masonry. They are lightly contaminated with very low levels of PCB's and radioactive materials. There are no liquids or gases present and the materials are neither explosive nor flammable. A typical railcar load of coal contains more radioactive material than a railcar load of this material. The low levels of PCB contaminants will not dissolve in water and do not readily evaporate in air due the very low vapor pressure of this material. In the highly unlikely event that the integrity of a container is breached, spilled materials can be stabilized in place and easily retrieved. Any potential environmental impact would be extremely low and confined to the immediate area of the spill. EnergySolutions maintains the capability to mobilize trained personnel that possess the training and equipment necessary to retrieve this material and to fully remediate the affected area of all resultant contaminants.

IF THE PROPOSED USE IS ANY OF THE FOLLOWING ADDITIONAL APPLICATION MATERIAL IS REQUIRED:

- ☐ Wireless Communication Facilities
- ☐ Mining
- ☐ Major Electrical & Natural Gas Facilities

OTHER INFORMATION:

EnergySolutions is submitting this application, in accordance with the offer to Congressman Salazar's task force concerning use of the proposed transload facility, in order to use the Conejos County Land Use Special
Special Use Review 03-2009

Use Review process to solicit / facilitate public comment. EnergySolutions contends that the transload facility is a shipping operation and as such if permitted under the jurisdiction of Conejos County should be permitted under the Administrative Review process. EnergySolutions understands that it is Conejos County's contention that the proposed operation is a Solid Waste Transfer facility and would therefore be subject to permitting under the Special Use Review process. EnergySolutions does not waive, release, or otherwise relinquish any land use right or other legal right that EnergySolutions may already have or may obtain. San Luis & Rio Grande Railroad Company (the "Railroad") delivered to the County a legal "Opinion Letter" explaining that federal law preempts local land use ordinances and allows the Railroad to conduct transloading operations at the site without consent or permits from the County. EnergySolutions does not waive its right to accept the Railroad's services in order to meet its contractual obligations. However, EnergySolutions files this Application because (a) EnergySolutions prefers to work cooperatively with local communities; (b) EnergySolutions prefers to conduct the transloading operations itself; and (c) EnergySolutions believes transloading operations managed by a direct, cooperative relationship between the County and EnergySolutions is in the best interest of EnergySolutions and the County.

To this end, EnergySolutions proposes a set of conditions, concessions that it feels addresses the concerns that the officials and public of Conejos County have raised (Attachment A). Many of these are concessions that would not otherwise be offered / required under local or federal permits or authorizations.

SOURCE OF WATER: Please indicate how water will be provided for the subject property.

☐ Public Water Source – District Name: N/A

There is no public water source at the site and none will be required in support of operations.

☐ Private Well - Attach Well Permit: N/A

There are no private wells on the site and none will be needed.

☐ Water Shares – Attach Letter: N/A

Potable water will be provided to the work force for drinking and sanitation.

SEWAGE DISPOSAL: Please indicate how sewage disposal will be provided for the subject property.

☐ Public Sewage System – District/Town: N/A

There is no public sewage system service to the site and none will be required

☐ Individual Sewage Disposal System (ISDS) – Permit # N/A

There is no ISDS on site and none will be required

☐ Existing System – describe: N/A

There are no existing sewage systems on site, and none will be required.

Portable chemical toilet facilities are provided at the site for use by employees and a service contract is in place to maintain the facility.

TRAFFIC EXPECTED TO BE GENERATED BY THIS CHANGE:

EnergySolutions anticipates that an average of 10-14 flatbed truck shipments per day will arrive and depart from the site. The section of Colorado state highway that is affected by this operation is the approximate 6 mile run of route 285 between the site and the New Mexico border. The truck shipments will generally be staggered and will occur over the course of the day. Between shipping campaigns the facility may be idled for several days or weeks at a time. Existing right turn deceleration and acceleration lanes serve this property. CDOT has issued an access permit which does not require additional highway improvements (auxiliary lanes) to be constructed.

ACCESS: Please select one of the following:

- ☒ Colorado Department of Transportation Highway Access Permit # 509156
- ☐ Conejos County Access Permit # _____
- ☐ Existing County Access _____

--- The following documents must also be attached/included with this application. ---

☒ **CERTIFICATION OF TAXES PAID:** Attach the County Treasurer's certification of taxes paid.

☒ **VICINITY MAP** - 8 1/2 x 11" copy of an aerial photo locating the section in the County in which the parcel is located. The boundaries of the subject property shall be indicated on the photo.

☒ **SITE PLAN** - Complete the attached site plan that best conveys the conceptual aspects of the plan and for effective public presentation.

☒ **SURROUNDING LAND OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY** - Provide a list of the surrounding landowners.

☒ **SURVEYED PLAT** - In the event that a surveyed plat is required the following basic standards must be met in addition to any other requirements for a specific application. Section 3.210 B. Additional Information Required - attached requirements.

☒ **SLOPE/TOPOGRAPHIC MAP** - A depiction of contours at an interval of five feet is required on slopes of 15% or greater (13.5 degrees) where there will be a permanent change in elevation of the ground surface. This requirement may be met by providing the best mapping available from the US geological Survey highlighting areas of geologic hazards, and areas subject to landslides and avalanche.

☐ **ARCHAEOLOGICAL, CULTURAL AND HISTORICAL RESOURCES** - If appropriate one of the following will be required: A letter of verification of a search of Inventory of Cultural Resources from the State historical Society or a report defining the archaeological or historical resources on the site based on information available from the State Historic Preservation Officer.

☐ **WILDFIRE MITIGATION PLAN** - The applicant may be required to create a wildfire mitigation plan with the assistance of the State Forest Service, if appropriate.

☒ **IMPACT ANALYSIS** - A description, prepared by the applicant, of the impacts that the proposed use may cause, described in terms of the standards that apply to Special Uses in Section 5.500 - STANDARDS OF APPROVAL, and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

☐ **ADDITIONAL MATERIALS** - The Land Use Administrator requests the following additional materials:

☒ **PERMITS:** Copies of all necessary permits from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, 33 USC 1334.

PERMIT REQUIRED:

☒ **FEES:**

- ☐ A non-refundable fee must be made at the time of filing this application payable to: CONEJOS COUNTY TREASURER.
- ☐ \$500.00 Mining Permit (110)
- ☐ \$1,500.00 Mining Permit (112)
- ☐ \$250.00 Home Occupation

☒ \$350.00 Other Special Use

☐ \$3,000.00 Oil and Gas Uses

☐ Plus postage, publication and professional fees. To be paid prior to final public hearing.

I have thoroughly read and understand the aforementioned document and by signing below I acknowledge the truth of its contents and my additions.

Applicant Signature

Date

For Office Use Only		
Case Number: _____	Application Received Date: _____	Received by: _____
Application fee \$ _____	Treasurer's Receipt # _____	
Comments: _____		

Land Use Special Use Permit - Site Plan
Applications will not be processed without a complete Site Plan

Applicant/Owner: Colin Austin – VP Southwest Operations, EnergySolutions

Address: Central Park Square, Los Alamos, NM 87544

Telephone: 505 663 7212 Fax: 505 661 2541 Email: caustin@energysolutions.com

Date Prepared: September 7, 2010

Please include the following information:

☒ Identify boundary lines of subject property ☒ Existing & proposed location of all structures & distance from lot lines ☒ Existing & proposed location of roads, railroads, irrigation ditches, utility lines, easements & rights-of-way ☒ Significant on-site features – drainage ways, wetlands, ditches, hydrologic features, rock outcrops, dams, reservoirs, and any on-site features ☒ N/A Location of proposed & existing wastewater treatment system including leach field or sewer lines ☒ Location of proposed & existing water source and water lines ☒ Other information requested by the Land Use Administrator.

**State of Colorado
Conejos County**

ss

Certificate of Taxes Due

I, the undersigned, County Treasurer in and for the said County, do, hereby certify that there are no unpaid taxes, or unredemmed tax liens as appears of record in the office, on the following described property, except as noted below.
Schedule No. 598732100126 Tax District: 503

Property Description:

W1/2 NE1/4 32-33-9[LESS 62' 6A DES B198 P459] TNA 17.4 B191 P152 ALSO BEG AT A PT ON N-S CENTER
LINE 32-33-9 WH N1/4 COR BRS N0°02 1/2°W 600.36 FT TH E 1070.5 FT TO PT IN CNTR RR TH S0°26
1/2°E 78 FT TH W 1071 FT TH N0°02 1/2°W 78 FT TO POB TNA 1.917 B216 P169

2009 Tax Payable in 2010, Assessed To SAN LUIS & RIO GRANDE, RAILROAD, INC,

Tax Entity		Tax Distribution			
	Mill	Tax	Tax Entity	Mill	Tax
CONEJOS COUNTY	18.483	139.84	COUNTY CONTINGENT FUND	0.250	1.89
COUNTY ROAD & BRIDGE FUND	1.250	9.46	COUNTY PUBLIC WELFARE FUND	4.500	34.05
COUNTY PUBLIC WORKS FUND	0.250	1.89	COUNTY GENERAL ABATEMENTS	0.111	0.84
NEW CONEJOS-LOS CERRITOS CEM	1.895	14.34	NEW CONEJOS-LOS CER CEM. ABA	0.015	0.11
SOUTH CONEJOS FIRE PROTECTIO	4.055	30.68	SOUTH CONEJOS FIRE ABATEMENT	0.022	0.17
CONEJOS WATER CONSERVANCY	4.303	32.56	RIO GRANDE WATER CONSERVANCY	2.100	15.89
SCHOOL DIST RE10 GENERAL FUN	18.788	142.15	SCHOOL DIST RE10 ABATEMENT	0.121	0.92
LIBRARY DISTRICT	2.000	15.13	LIBRARY DISTRICT ABATEMENT	0.009	0.07
CONEJOS WATER CONSERVANCY AB	0.016	0.12			

Current Gross Tax \$ 440.10 Status Paid In Full Taxes Due \$ 0.00 Interest \$ 0.00
Adv \$ 0.00 Late Pen \$ 0.00 Other Fees \$ 0.00 Balance Current Tax \$ 0.00
Cost to pay Special Assessment in Full \$ 0.00

Tax Liens or Delinquent Tax

Taxes have been paid in full

Amount to Redeem \$

Total Due This Certificate \$ 0.00

This does not include special taxes that are not of record in this office or taxes on improvements on said property which may be separately assessed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 7th Day of September 2010

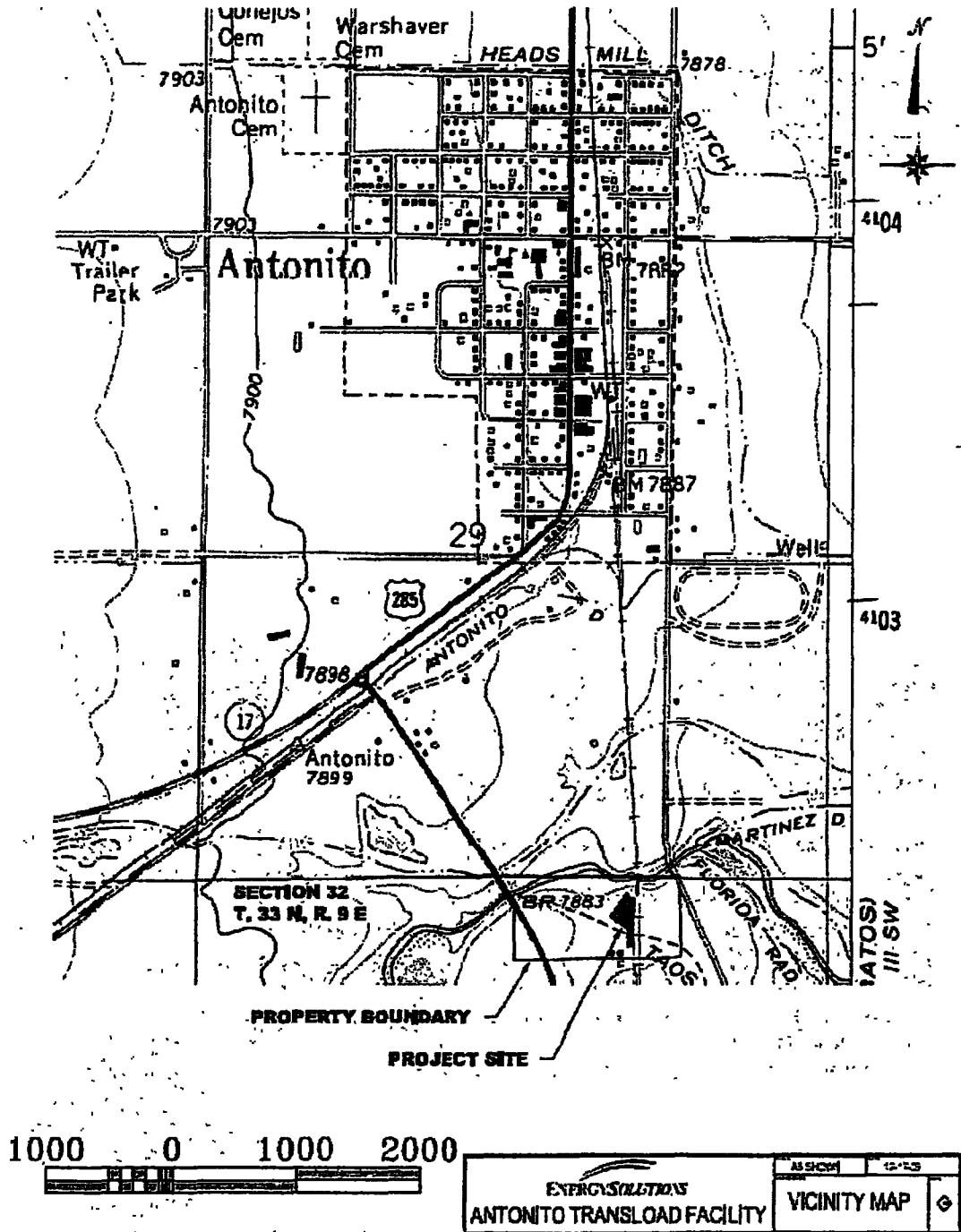
Issued to LAND USE - NO CHARGE

Conejos County Treasurer

Certificate No. 10,508 Fee for Issuing this Certificate \$ 10.00



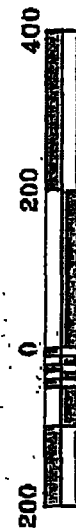
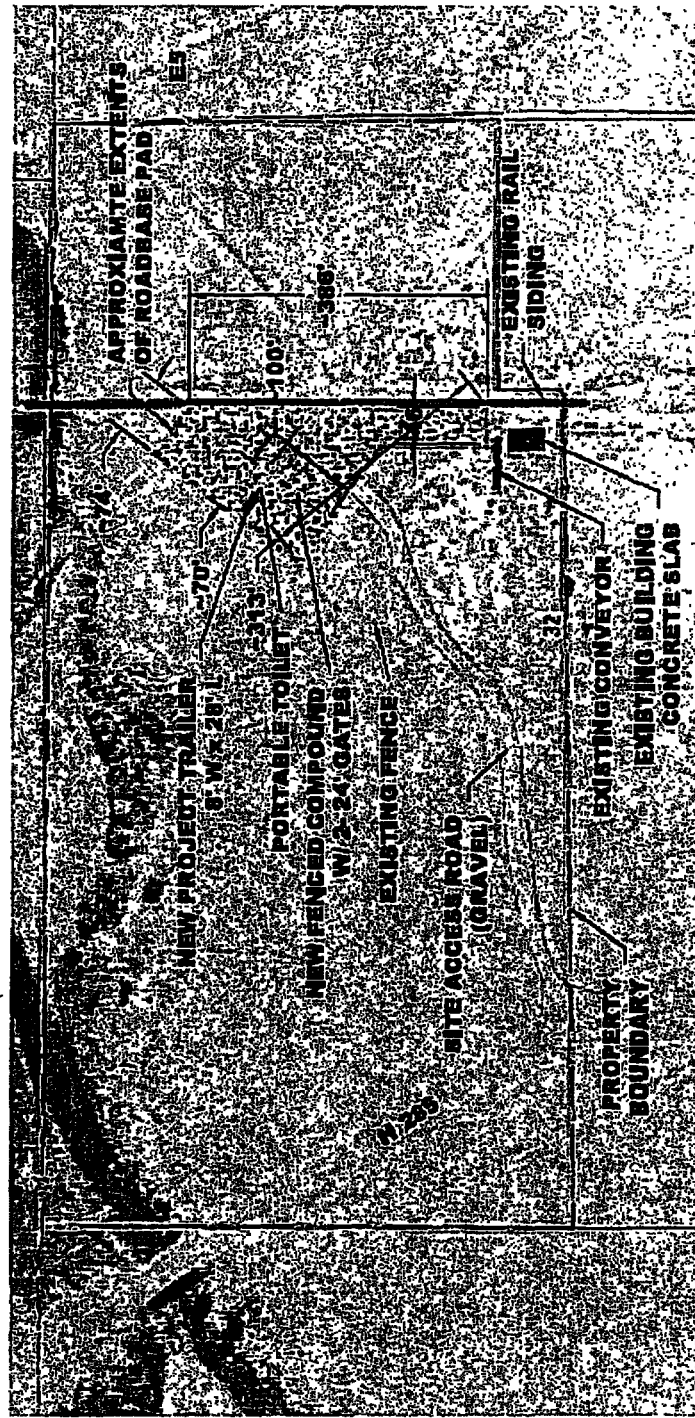
Vicinity Map



Surrounding Land Owners within 500 Feet of the Subject Property

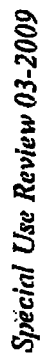
598732100127 - Directly South Greco Inc./Dicaperal Minerals 225 City Avenue Suite 14 Bala Cynwyd PA 19004	598729300128 - Directly East Tres Will Clap/T-Bone Ranch PO Box 250 Lopez Island WA 98261	598733400130 - East (Red Rock) R & D Holdings, LLC 8100 W 31 st Street Rock Island IL 61201
572322100054 - North East Tallis Corporation/James Harding 4502 Mountain Dance Drive Colorado Springs CO 80908	613305200002 - Directly West Demetrio & Olive Valdez PO Box 84 Conejos CO 81129	598729300021 - North West Jacob Rogers 157 Topeka Street Branson MO 65615
598729300022 - Directly North Jose & Lucy Vigil 5118 Hwy 285 Antonito CO 81120	59872900001 - North of Vigil Melton & Betsy Ruybal 6000 County Road 10 Antonito CO 81120	598729400024 - North East Alex Gallegos PO Box 522 Antonito CO 81120

Site Plan

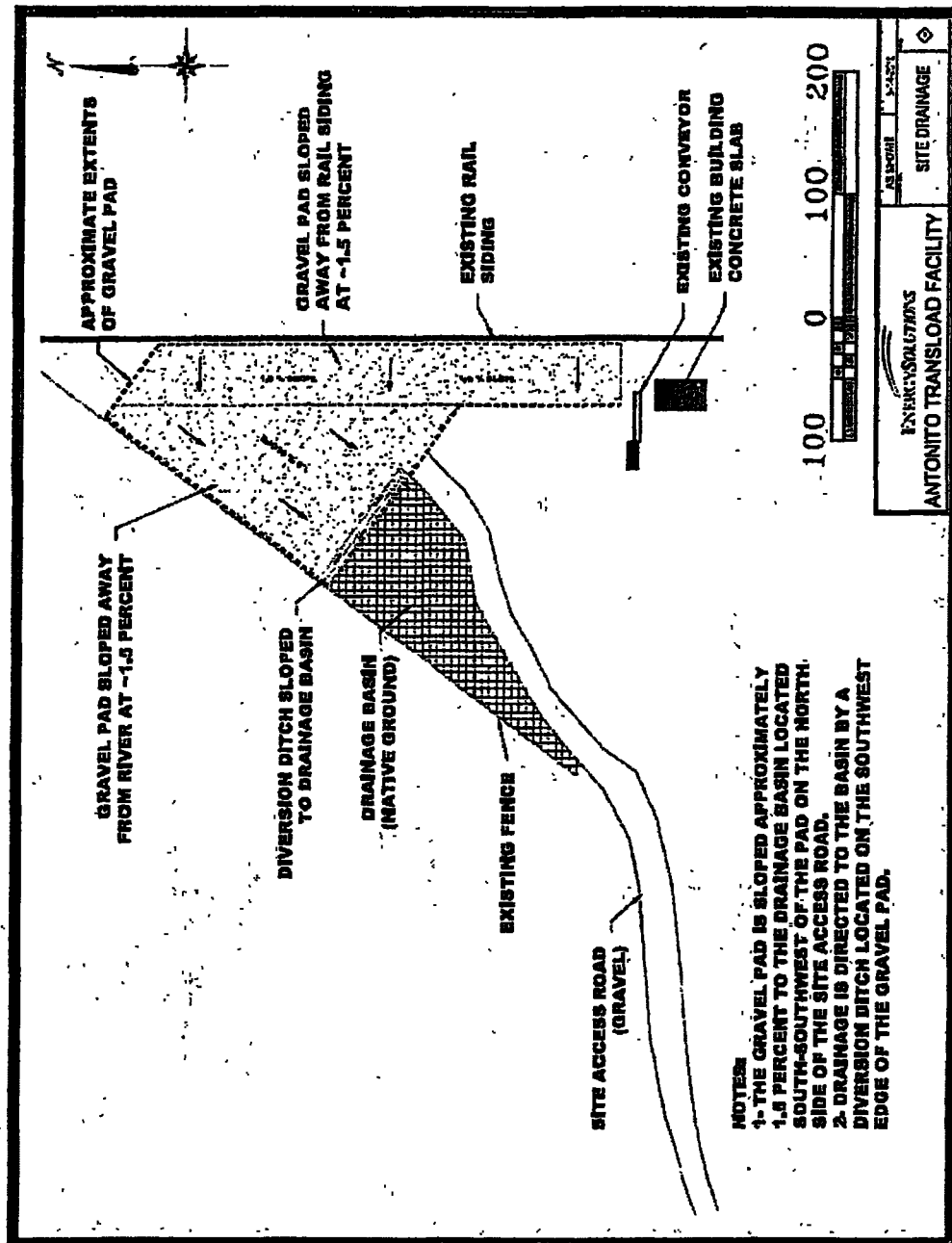


ENERGYSOLUTIONS	SITE PLAN
TRANSLOAD FACILITY	AS SHOWN 12-2-21

(Shows surveyed elevations sloping away from the river.)



Site Drainage Map



Impact Analysis

This attachment provides an impact analysis addressing the specific standards listed in the Conejos County Land Use Code Section 5.500B.

Conejos County Land Use Code 5.500B – Additional Standards for Special Use Review

1. Air Quality. The use shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.

Operating the transload facility significantly reduces the truck vehicle emissions since the trucks only travel a short distance from the Colorado state line to the transload facility versus trucking all the way through Colorado to the Clive, Utah disposal facility. For every 1,000 truck shipments to the transload facility there is a reduction in the total round trip truck miles by approximately one million truck miles. The reduction is based on 1,350 round trip truck miles from LANL to Clive, Utah versus 212 round trip truck miles from LANL to the transload facility.

The main use of equipment at the transload facility includes operating a crane to move the containers arriving by truck into railcars. At no time are the containers opened during the normal course of operations. Attachment A to the application provides more detail on the transload facility operation. The crane operations will have minimal impact on air quality.

Additionally, the working surface at the transload facility will be managed for dust suppression potentially caused by crane operations and truck traffic.

2. Nuisances. The use shall not cause a nuisance as defined within this Code.

The transload operations are located south of the Antonito city limits within Conejos County as illustrated in the Vicinity Map. The area is zoned for industrial use. The transload facility is located between two industrial facilities that are in current operation. The transload operations are much more simplistic than the existing facilities and only require the use of one crane to transload containers from truck to railcars.

3. Important Areas. The use shall not significantly degrade areas of paleontological, historic, or archaeological importance.

No paleontological, historic, or archaeological areas of importance have been identified at the transload facility location. The property is currently owned by the San Louis and Rio Grande Railroad.

4. Traffic. The use shall not cause significant traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.

EnergySolutions anticipates that an average of 10-14 flatbed truck shipments per day will arrive and depart from the site. The section of Colorado state highway that is affected by this operation is the approximate 6 mile run of route 285 between the site and the New Mexico border. The truck shipments will generally be staggered and will occur over the course of the day. Between shipping campaigns the facility may be idled for several days or weeks at a time. Existing right turn deceleration and acceleration lanes serve this property. CDOT has issued an access permit which does not require additional highway improvements (auxiliary lanes) to be constructed.

5. Impact Mitigation. If the use causes a twenty percent (20%) or more increase in the use of a County Road, the applicant shall be required to bear the cost of all road and bridge improvements, repairs, maintenance and permits necessitated.

The transload facility will not require a 20 percent or more increase in the use of a County Road.

6. Erosion. Erosion control measures shall be implemented that ensure that disturbed areas and soil stockpiles are stabilized. Disturbed areas must be revegetated within one growing season.

The transload operations require containers to remain sealed during transportation. At no point during transload operations will the containers be opened. Additionally, there will be no soil stockpiled at the transload facility. Surface areas will be maintained and graded to ensure safe crane operations and truck movements around the facility and to prevent erosion.

Attachment A

Attachment A

The San Luis and Rio Grande Railroad, Inc., (hereinafter "SLRG") owns certain real property located in Conejos County, Colorado, which property is more particularly described in Exhibit A, attached hereto and by this reference made a part hereof (hereinafter "the Property"). EnergySolutions, LLC, (hereinafter "EnergySolutions") intends to use the Property as a Transload Facility.

EnergySolutions has entered into a transportation agreement under the provisions of 49 U.S.C. 10709 with the Union Pacific Railroad (hereinafter "UP") for the transportation of certain solid hazardous waste (hereinafter "Materials") in sealed packages compliant and in accordance with U.S. Department of Transportation regulations. UP has entered into an agreement under the provisions of 49 U.S.C. 10709 with SLRG for local transportation services.

EnergySolutions is licensed to accept delivery of the Materials at its disposal facility in Clive, Utah.

Conejos County, a political subdivision of the State of Colorado, (hereinafter "Conejos County") has lawfully enacted a Land Use Code (hereinafter "CCLUC") pursuant to and in compliance with the laws of the State of Colorado. Conejos County maintains that, pursuant to the CCLUC, EnergySolutions must obtain a County Special Land Use Permit prior to using the Property as a Transload Facility and conducting Operations thereon.

SLRG maintains that the provisions of Federal law, specifically the ICC Termination Act (ICCTA), at 49 U.S.C. 10501(b), are exclusive and preempt the laws of Conejos County from requiring that SLRG obtain a County Special Land Use Permit prior to using the Property as a Transload Facility. Consequently, the SLRG has filed a petition for a Declaratory Order with the Surface Transportation Board (STB) seeking a ruling that the said ICCTA pre-empts the railroad from having to comply with the Land Use Code of Conejos County in connection with the SLRG's ownership and operation of the containerized truck-to-railroad transload facility.

The Parties hereto acknowledge a significant difference of opinion with regard to the application of either Federal or State law to this Property, the resolution of which through litigation would entail significant time and expense to all Parties. Conejos County and EnergySolutions (hereinafter collectively "the Parties" and individually "a Party") wish to resolve this matter amicably and without resort to legal action.

EnergySolutions' willingness to submit to the County Special Land Use Permit process shall not be construed as EnergySolutions or SLRG submitting to Conejos County's jurisdiction, where SLRG maintains that federal pre-emption trumps State or local laws. Towards this end, SLRG will inform the STB as to the current status of negotiations

between the Parties and request the STB to restore the proceedings to the active docket.

Conejos County's willingness to process the Special Land Use Permit application shall not be construed as conceding that the provisions of Federal law are exclusive and preempts either State law or the CCLUC, where Conejos County maintains that it has authority to regulate the use of the Property.

I. GENERAL PROVISIONS

1. These provisions are the product of negotiations and compromise and shall not be construed as an admission of liability on the part of any of the Parties. Additionally, these provisions shall not be construed as a waiver of any of the claims of or legal positions presented by any of the Parties. These provisions are limited, by its express terms, to the Property and Operations described herein and does not apply to any other property or any other activities which may be proposed to be undertaken on the Property in the future.
2. The provisions contained in this attachment will be incorporated into a Special Land Use Permit.
3. EnergySolutions represents that they will use their best efforts to prevent an Incident and that if an Incident occurs they will immediately clean up the affected areas and return the affected areas to the conditions as existed prior to the Incident as soon as practicable.
4. EnergySolutions acknowledges that Conejos County is under certain legal obligations with regard to making information available to the public. Conejos County acknowledges that EnergySolutions represents that, pursuant to Federal law or regulations, certain information in their possession is not available to the public. The Parties agree that, unless prohibited by Federal law or regulations, all information, data, and reports described herein will be made available to the public, under the terms and conditions of the County Policy to be promulgated, as described below.
5. The following definitions shall apply herein:
 - a. **Transload Facility:** that portion of the Property, as depicted in the Site Plan described herein, which will be utilized for the transfer of containerized Materials and Freight from trucks to rail cars.
 - b. **Operations:** Activities which occur at the Transload Facility and the private road between Highway 285 and the Transload Facility, together with the transportation of containerized Materials by truck on Highway 285 within Conejos County.

c. Incident: An event during which Materials come in contact with the surface of the ground or any standing or flowing water, or is dispersed in the air, and an event during which the integrity of a container within which the Materials are located is compromised in any way. It is understood and agreed that an event during which a container within which the Materials are located come in contact with the ground or any standing or flowing water but the container is not compromised shall be characterized as a Safety Incident.

d. Materials: The solid waste containing radioactive or hazardous materials which is the subject of this application.

e. Nuisance: As defined in the CCLUC.

f. Freight: Any commodities currently allowed by law to be transported by rail car, but not to include either solid waste or hazardous waste, as defined in the Clean Railroads Act.

g. Property: The real property described in Exhibit A.

II. TERM OF OPERATIONS

1. The Term of Transloading Operations is anticipated to be completed by December 2020.

2. Upon completion of the Transload Operations and confirmation of any necessary restoration of the Property, EnergySolutions shall provide written notice of same to Conejos County.

3. In the event that EnergySolutions wishes to extend the Term of the Land Use Authorization for Transload Operations, written notice of such intent shall be provided to Conejos County. If the basis for the request to extend the Term of the Land Use Authorization is solely for the purpose of completing transloading of the Material, Conejos County shall agree to such request upon the same terms and conditions as contained herein, provided that EnergySolutions is not in breach of the Land Use Authorization

4. It is understood and agreed that this application has been submitted for the purpose of allowing the transload of the Material and for no other activities except for lawful Freight transloading. During the Term of this Land Use Authorization, no other activities may occur on the Property without the prior written consent of Conejos County, which shall be incorporated into the Land Use Authorization as soon as practicable thereafter. It is expressly understood that the Land Use Authorization does not allow for use of the Property for any purpose other than transloading of the Material and lawful transloading of Freight, which shall not include either solid waste or hazardous waste.

III. ENVIRONMENTAL PROTECTION

1. Baseline and Post-Operations Studies

A. Baseline Study: Prior to commencement of Operations, EnergySolutions shall conduct soil sampling of the area of the Property upon which Operations are planned to occur pursuant its engineered Sampling Plan. Upon request, EnergySolutions shall provide Conejos County with a copy of its Sampling Plan.

B. Post-Operation Study: Immediately following termination of Operations, EnergySolutions shall conduct soil sampling of the area of the Property upon which Operations actually occurred, pursuant its engineered Sampling Plan.

C. Post-Incident Study: In the event of an Incident, EnergySolutions shall conduct a soil sampling of the affected area (following remediation), pursuant to its engineered Sampling Plan.

D. All soil samples shall be analyzed by an independent qualified laboratory selected by EnergySolutions. The independent qualified laboratory shall provide Conejos County with a copy of the report analyzing such soil sampling(s) upon completion of same.

E. EnergySolutions currently utilizes GEL Laboratories, LLC, ("GEL"), as an independent qualified laboratory, to analyze soil samples. EnergySolutions will provide Conejos County with relevant public information regarding GEL, if requested, which information would allow Conejos County to confirm that GEL is an independent qualified laboratory. In the event that EnergySolutions utilizes a different independent qualified laboratory, EnergySolutions shall provide Conejos County with relevant public information regarding any such laboratory, if requested, which information would allow Conejos County to confirm that GEL is an independent qualified laboratory.

F. All costs and expenses of sampling, analyzing, and reporting described above shall be paid by EnergySolutions.

G. EnergySolutions shall provide Conejos County with advance notice of the date and time any soil sampling and the Conejos County Land Use Administrator or Code Enforcement Officer may be in attendance during any soil sampling.

2. Site Requirements

A. EnergySolutions shall provide Conejos County with a Site Plan substantially in conformance with the Site Plan requirements contained in the CCLUC. The Site Plan shall depict, at a minimum, the following elements:

1. The physical characteristics of the Transload Facility including any buildings, walls, fencing, signs, gates, and security equipment;
2. The spill containment system;
3. A description of all safety and Incident prevention equipment and supplies;
4. A depiction of the Rio San Antonio flood plain; and,
5. An engineered drainage plan.

B. EnergySolutions represents that the use of any permanent or sealed surfaces for purposes of containment is less effective than use of a removable membrane. EnergySolutions will use an removable membrane spill containment system to contain and capture any potential spill of Material.

C. EnergySolutions will provide Conejos County with all available surveys of the Property. EnergySolutions will identify the pinned "corners" of the Property. EnergySolutions will identify the area of Operations within the Property.

3. Emergency Response

A. EnergySolutions will provide Conejos County with a copy of its Emergency Response Plan, to be included as an attachment to the application. The Emergency Response Plan will be designed to prevent Incidents, minimize hazards to human health or the environment from any release of Materials to the air, soil, surface water, or ground water as well as from any fires or explosions involving transportation vehicles and equipment. The Emergency Response Plan shall require immediate action, and timely clean up, to protect human health and the environment in the event of an Incident.

B. EnergySolutions will provide Conejos County with a copy of its Emergency Response Plan, to be included as an attachment to and made part of this application. The Emergency Response Plan will be designed to prevent Incidents, minimize hazards to human health or the environment from fires, explosions, or any release of Materials to the air, soil, surface water, or ground water. The Emergency Response Plan shall require immediate action, and timely clean up, to protect human health and the environment in the event of an Incident.

C. Said Emergency Response Plans shall comply with all applicable Federal and State laws and shall include, at a minimum:

1. Procedures for notification of any Incident to the Conejos County Land Use Administrator and Code Enforcement Officer, and other appropriate agencies;

2. A description of arrangements made with local law enforcement agencies, fire departments and districts, emergency response teams, ambulance service, San Luis Valley Regional EMS Trauma Advisory Council, and hospitals/clinics;

3. Identification of and contact information for response personnel, a description of response equipment, procedures, and response times;

4. Post-Incident remediation procedures, including notification to Conejos County, proof of compliance with such procedures, and return of the affected Property to conditions evidenced by the Baseline Study; and,

5. Providing Conejos County with a copy of all applicable required Final Status Survey Report.

D. EnergySolutions will either provide or arrange for appropriate Emergency Response training to local agencies which may become involved in responding to an Emergency, including the Conejos County Sheriff, the Conejos County Fire Protection District, the Conejos County Ambulance Service, SLV RETAC, and the Town of Antonito Police.

E. EnergySolutions shall ensure that at least one person shall be at the Transload Facility during transloading activities who has been trained and is able to provide immediate emergency response to ensure material containment in the event of a Spill.

F. It is expressly understood and agreed that EnergySolutions shall return the Property to the condition of same as existed prior to commencement of Operations both after any Incident and at the conclusion of the Land Use Authorization.

G. It is expressly understood and agreed that EnergySolutions has the obligation and shall remediate any damages to any County, Town, or privately owned property located in Conejos County resulting from any Incident involving the truck transportation or transloading of containers onto railcars at the transload facility.

IV. OPERATIONS

1. Limitations on Materials.

A. Materials transported to the Transload Facility and shipped by rail shall be limited to U.S. Department of Transportation ("DOT") criteria for Class 7, Class 9, or non-DOT regulated materials and which meets NRC classification as Low Level Class A waste.

- B. All materials shall be contained in DOT certified shipping containers.
- C. EnergySolutions and its successors agree that other than the subject material of this application, they will not transload hazardous materials from the transload facility during the term of this agreement or thereafter.

2. Limitations on Activities.

A. All Activities shall be conducted in a manner designed to prevent and minimize hazards to human health and the environment from the release of hazardous waste to air, soil, surface water, or ground water.

B. Materials shall be transloaded only. Materials may not be stored on the Property. Materials shall not come in contact with the surface of the Property. The Transload Facility shall be managed in such a manner that activities do not constitute a hazard to human health, the land, the water (surface and groundwater), and the air.

C. Although it is EnergySolutions position that there is no technical reason to move operations from the existing transload site, in recognition of the county's perceived risk to the river, EnergySolutions and the County Commission commit to enter into good faith negotiations to establish a transload site further south to increase the distance between the transload operation and the San Antonio River.

D. EnergySolutions commits, until a location is established further south, to only perform transload operations in the southern most section of the existing transload facility site. Transload operations will be performed to ensure that no container transfers will take place closer than 100 yards from the San Antonio River.

E. Materials on the Property not loaded onto rail cars shall be attended to by personnel at all times. Materials transloaded onto rail cars which are unattended shall be secured by the rail car lid. In the event that the DOT containers are unable to be transloaded onto rail cars due to operational or weather constraints, such containers shall remain on the transport vehicle.

F. No more than 10 EnergySolutions gondolas/rail cars may be located on the Property at any one time.

G. No EnergySolutions gondolas/rail cars may be left overnight in the Towns of Antonito, Romeo, or La Jara.

H. EnergySolutions represents that it is their intention, barring unforeseen circumstances to the contrary, to transport all Material from the Property as soon as possible after delivery of same to the Property. In no event will any EnergySolutions gondolas/rail cars containing Materials remain on the Property for more than 96 hours.

I. No Trucks used in Operations may be parked or "staged" within Conejos County on State Highway 285 or any County Roads.

J. Operations will not occur on Sunday except under special circumstances, and only upon 7 days prior notice to the County Land Use Administrator or Code Enforcement Officer.

K. EnergySolutions will ensure that acceptable weather conditions exist prior to the dispatch of any truck shipped to the Transload Facility. No transport vehicle will be dispatched when severe weather conditions or adverse road conditions exist or are forecasted along the highway route. EnergySolutions will ensure container transload operations will be allowed only when sustained winds are below 25 miles per hour and other weather conditions do not impact loading operations.

L. EnergySolutions shall provide for appropriate dust control from vehicle traffic at the Property.

M. EnergySolutions shall comply with any applicable Storm Water Rules of the Colorado Water Quality Control Commission (e.g., Storm Water Discharge Permit) and any applicable Air Quality Rules of the Colorado Air Quality Control Commission (e.g., Air Pollution Discharge Notice), and provide proof of said compliance as part of the Annual Review described herein.

N. At this time, no utilities are located on or provide service to the Property. All water used on the Property shall be obtained from lawful sources. Domestic sanitation needs at the Property shall be served by portable facilities. In the event that any utilities are proposed to be used on or for the Property, the Party seeking to install such utilities shall notify Conejos County of such intent prior to installation of any such utilities, and shall install same in compliance with all applicable State and County laws, regulations, codes, and ordinances.

3. Security

A. EnergySolutions shall prepare and implement a Security Plan for the Property which shall adequately address protection of the Property from theft, sabotage, and vandalism, and shall include provisions for addressing protests and demonstrations.

B. The Security Plan shall describe all provisions for on-site security, notification to and coordination with State, County, and Antonito law enforcement agencies, and post-incident reporting.

4. Compliance with Federal Law

EnergySolutions shall comply with all applicable Federal law pertaining to the Property and Operations.

V. Data, Reporting, and Compliance Review

1. Operations Plan

A. EnergySolutions shall prepare an Operations Plan in compliance with all of the terms and conditions described above, to be included as an attachment to this application. The Site Operation Plan shall include the following minimum elements:

1. Name, address, and telephone numbers (office and cell) of the entities and persons operating the Transload Facility, expressly describing the respective duties and responsible of each entity and personnel for implementation of and compliance with the terms of said Plan.

2. Name, address, and telephone numbers (office and cell) of the entities and persons having responsibility and authority to take corrective action in an emergency occurring either at the Transload Facility or at any other location within Conejos County, expressly describing the respective duties and responsibilities of each entity and person for implementation of and compliance with the Emergency Response Plan.

3. Description of the process and identification of the equipment (including description, number, and uses) to be used at the Transload Facility.

4. Plan for prevention of Nuisance conditions, describing measures to be employed to collect, properly contain, and dispose of scattered litter and trash.

5. Plan for fire protection, both on-site and provisions for prevention of spread of fire to adjoining property.

6. A description of the location of Operations records.

B. The Operations Plan shall ensure compliance with the Manifest System required by Federal law and shall describe the location of the Manifests, which shall be available for inspection by the County Land Use Administrator or Code Enforcement Officer during regular business hours.

2. Licenses, Permits, Authorizations, and Agreements

A. EnergySolutions shall provide a copy of all licenses, permits, and authorizations required by Federal law with regard to the Operations, to be included as an attachment to this application. This requirement shall include, but is not limited to, Clive Radioactive Material License, Hittman Transportation Hazardous Material Permits and Certifications, Colorado DOT Highway Access Permit, and required Railroad permits, licenses, and authorizations.

B. EnergySolutions shall provide Conejos County with a copy of every safety and Incident report required by Federal law for events associated with the Transload Operations occurring in Conejos County.

3. Verification of Compliance with Agreement

A. On the annual anniversary of the date of Land Use Authorization EnergySolutions shall cooperate and meet as necessary for the purpose of verifying compliance with the terms and conditions of the Land Use Authorization. The annual compliance review will address compliance with the Land Use Authorization including, but not limited to, review of Materials Manifests, confirmation of insurance coverage, licenses, permits and authorizations, review of Safety and Incident Reports, and review of Operations, Security, and Emergency Response Plans and equipment.

B. Prior to the annual compliance review, EnergySolutions shall provide Conejos County with a copy of the renewal of all required licenses, permits, and authorizations, and confirmation of required insurance coverages.

C. Prior to the annual compliance review, EnergySolutions shall provide Conejos County with a copy of all on-site Safety and Incident Reports for events associated with the Material transport in Conejos County.

D. Additionally, the annual compliance review may be utilized for the purpose of proposing and, if possible, agreeing upon any modifications to the Land Use Authorization. If any Party proposes to modify any part of the Land Use Authorization, advance notice of such intent shall be provided to the other Parties, with such notice including the proposed changes to the Land Use Authorization and the basis therefore. If the Parties cannot come to an agreement regarding the proposed modifications during the annual review meeting, the Parties shall agree upon a schedule of meetings to complete negotiations of same. It is understood and agreed that no Party is under any obligation to agree to any proposed modifications unless the proposed modifications are for operational procedures mandated by Federal or State laws and regulations. In the event such mandated modification of operational procedures are required to be implemented prior to the annual compliance review, the Conejos County Land Use administrator shall be immediately notified, in writing, of any such revisions. In the event that non-mandated material modifications are proposed, and if such material modifications are for the purpose of ensuring public safety or enhancing efficiencies, the Conejos County Land Use Administrator shall be notified of such modifications, and such modifications shall be permitted to occur pending the annual compliance review.

VI. DEVELOPMENT FEE

1. Development Fee

EnergySolutions shall pay to Conejos County a Development Fee of \$1.50 per ton of waste material shipped to the Transload Facility. During this same time period, the amount of the Development Fee shall be reduced \$0.075 per ton for each Conejos County resident hired by EnergySolutions or SLRG (including their Contractors) to work on a full time basis at the Transload Facility or in the transportation of containerized Materials to the Transload Facility (i.e., truck drivers, crane operators, railroad employees, subcontractors, etc.). Said Development Fee reduction shall result from employment of Conejos County residents during 2010 and any year thereafter; however, in no event shall the Development Fee reduction result in reduction of the Development Fee to any amount less than \$1.12 per ton.

2. Development Fee Payment Terms

Payments shall be calculated using the manifested tonnage shipped from the Transload Facility to EnergySolutions disposal facility in Clive, Utah. EnergySolutions shall provide Conejos County with a written summary of monthly manifested tonnage, together with monthly payment of the Development Fee, within 45 days from the end of each month waste is shipped from the Transload Facility.

VII. FINANCIAL ASSURANCES

1. EnergySolutions Insurance.

EnergySolutions shall maintain general liability and pollution insurance, in an amount of not less than \$1,000,000 per incident and \$2,000,000 in the aggregate, transportation pollution insurance in an amount of not less than \$3,000,000 per incident and \$3,000,000 in the aggregate, and comprehensive automobile liability insurance in an amount of not less than \$2,000,000 per incident and \$2,000,000 in the aggregate insuring against any damage which may occur on the Property and any damage to any persons and any property located in Conejos County resulting from an Incident. Said insurance policy shall pay sums that EnergySolutions becomes legally obligated to pay as damages because of bodily injury or property damages, and shall provide coverage to include the restoration of any property to the condition as existed prior to the occurrence of any Incident and the return of the Property after the Term of Land Use Authorization to the condition as existed prior to receiving the Land Use Authorization. EnergySolutions shall cause Conejos County to be named as an additional insured.

2. SLRG Insurance.

EnergySolutions has secured a good faith agreement that SLRG shall maintain comprehensive liability and pollution insurance, in an amount of not less than

\$50,000,000 per incident and \$100,000,000 in the aggregate, insuring against any damage which may occur on the Property and any damage to any persons and any property located in Conejos County resulting from an Incident. Said insurance policy shall provide coverage to include the restoration of any property to the condition as existed prior to the occurrence of any Incident and the return of the Property after the Term of Land Use Authorization to the condition as existed prior to receiving the Land Use Authorization.

3. Proof of Insurance.

EnergySolutions shall provide Conejos County with a copy of the Declarations for the insurance policy described above. EnergySolutions shall provide Conejos County with evidence of annual renewal of the above-described insurance policies on a timely basis. EnergySolutions shall require the respective insurance carriers to provide Conejos County with timely notice of non-renewal prior to the lapse of a policy required herein.

4. In the event that EnergySolutions files for bankruptcy protection or is involuntarily forced into bankruptcy, same shall be considered a default hereunder, and Conejos County shall be considered a secured creditor to the extent that any damage which has been incurred as the result of an Incident has not been remedied.

VIII. COMMUNITY

1. EnergySolutions shall provide preference for Conejos County residents in hiring employees and subcontractors.

2. EnergySolutions has secured an agreement that SLRG will arrange for or conduct Railroad Safety Information Assemblies at the schools located in Conejos County.

3. Conejos County shall prepare an informational handout, to be available to the public, describing the Operations, identifying the Parties, and which includes appropriate contact information. EnergySolutions and SLRG shall cooperate with Conejos County in the preparation of this informational handout.

4. Conejos County shall develop a policy addressing public access to the information described in this application, the purpose of which is to provide public access to information as required by law while minimizing the cost and time involved in doing so. This policy will provide that the Land Use Administrator will be the primary point of contact for Conejos County for all communication with the public with regard to this application and the Operations described herein. EnergySolutions will provide Conejos County with the names and telephone numbers for their primary points of contact, and shall update this information as it may change in the future.

5. EnergySolutions is committed to conducting periodic meetings with the public the purpose of which is to, generally, allow public comment regarding the Operations and, specifically, to provide operational information to the public and to allow a public forum to discuss any concerns the public may have with the Operations.

IX. MISCELLANEOUS

1. These provisions are binding upon and inures to the benefit of the Parties, their agents, employees, contractors, subcontractors, guests, invitees, licensees, assigns, and successors.

2. Conejos County shall not be liable for any damage or injury caused by EnergySolutions resulting from use of the Property or the Operations and EnergySolutions agrees to hold Conejos County harmless from any claim for such damages, no matter how caused. EnergySolutions agrees to pay, and to indemnify and hold Conejos County harmless against all costs and expenses including, but not limited to, reasonable attorney and expert witness fees, incurred by Conejos County in defending against any claim for damage or injury.

3. All notices described herein shall be in writing and shall be deemed delivered when placed in the US Mail, postage prepaid, certified, and addressed to the recipient at the address described below. A party shall provide notice to all other Parties of a change of address.

To Conejos County: P.O Box 197, Conejos CO 81129

To EnergySolutions: 423 West 300 South, Suite 300, Salt Lake City, Utah 84101

Exhibit A

THE WEST HALF (W1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-TWO (32) IN TOWNSHIP THIRTY-THREE (33) NORTH, RANGE NINE (9) EAST OF THE NEW MEXICO MERIDIAN, CONTAINING 80 ACRES, MORE OR LESS, TOGETHER WITH ALL IMPROVEMENTS THEREON, WITH ALL ITS APPURTENANCES.

LESS THAT PARCEL OF LAND DEEDED TO GREAT LAKES CARBON CORPORATION BY MERCEDES SARGENT MIDDLEMIST AND DORA SARGENT QUINLAN DESCRIBED AS FOLLOWS: ALL THAT PART OF THE W1/2 NE1/4 OF SECTION 32, IN TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE NEW MEXICO MERIDIAN, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE SW CORNER OF SAID W1/2 NE1/4 AND RUN THENCE NORTH ALONG THE WEST LINE OF SAID W1/2 A DISTANCE OF 2066 FEET TO A POINT; RUN THENCE EAST TO THE EAST LINE OF SAID W1/2; RUN THENCE SOUTH ALONG THE EASTLINE OF SAID W1/2 TO THE SE CORNER OF SAID W1/2; RUN THENCE WEST ALONG THE SOUTH LINE OF SAID W1/2 TO THE SW CORNER OF SAID W1/2, BEING THE PLACE OF BEGINNING, CONTAINING 62.60 ACRES, MORE OR LESS.

(END OF PROPERTY LESSED OUT)

ALSO, ALL THAT PART OF THE W1/2 NE1/4 OF SECTION 32, IN TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, A POINT ON THE NORTH-SOUTH CENTER LINE OF SECTION 32, T. 33 N., R. 9 E., N.M.P.M. WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 32 BEARS N. 0° 02 1/2' W., 600.36 FT. DISTANT; THENCE EAST, 1070.5 FT. TO A POINT IN THE CENTER OF THE D. & R. G. W. R. R. TRACK, THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE S. 0° 26 1/2' E., 78.0 FT. ALONG THE CENTER OF SAID RAILROAD TRACK TO THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE WEST, 1071.0 FT. TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 32, THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE N. 0° 02 1/2' W., 78.0 FT. ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 32 TO THE PLACE OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 1.917 ACRES, MORE OR LESS, AND IS LOCATED IN THE NE 1/4 OF SECTION 32, T. 33 N., R. 9 E., N.M.P.M., CONEJOS COUNTY, COLORADO.

Transportation Management Plan

Transportation Management Plan

Revision 0

Authored By:

R. J. Molter, Transportation Management
Los Alamos Office
EnergySolutions Federal Services, Inc., Southwest
Operations

Date

Reviewed By:

Jose Jerez, Project Manager
North Ancho Canyon and LA Canyon Project
EnergySolutions Federal Services, Inc., Southwest
Operation

Date

Reviewed By

Jack L. Reust, Director of D&D Programs
Los Alamos Office
EnergySolutions Federal Services, Inc., Southwest
Operation

Date

Approved By

Colin Austin, Vice President,
Los Alamos Office
EnergySolutions Federal Services, Inc., Southwest

Date

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New

☐

Title Change

☐

Revision

☐

Rewrite

☐

Cancellation

Effective
Date

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1. PURPOSE AND SCOPE

Although a formal transportation plan is not required by Department of Energy (DOE) Order 460.2A or 49 CFR 172.800 for materials of this type, this document was prepared to describe the packaging and transportation logistics activities necessary for the safe and regulatory compliant transport DOT Hazard Class 7 and Class 9 materials from the Los Alamos Projects, for disposal at EnergySolutions disposal facility in Clive, Utah.

2. BACKGROUND

EnergySolutions will transport DOT Hazard Class 7 and Class 9 waste material of LLW from the Los Alamos Projects.

3. LOGISTICS OVERVIEW

Waste will be loaded at Project Sites and shipped by highway direct to Clive or to Antonito, CO where the material will be trans-loaded into Super Gondola Cars and shipped to Clive, UT.

Material from this project will predominantly be transported by highway directly from the project to Antonito then trans-loaded into Super Gondola cars for shipment to Clive, UT or be transported by truck directly to Clive.

Depending on the package density, we anticipate two to three IP-1 bags will be shipped via highway to the transload facility using a standard commercial over-the-road flatbed truck. The weight capacity of the truck will be optimized to reduce transportation costs for the project. It is planned that up to eight commercial tractor trailer trucks will be utilized in "exclusive use" service, with each truck making up to two round trips daily, totaling sixteen truck shipments per day to the Antonito, Co transload facility. This equates to approximately 48 bags which will be loaded into two or three rail cars per day.

EnergySolutions will supply a fleet of high capacity Super gondola rail cars, each equipped with a custom designed fiberglass lid structure. These Super gondola rail cars each have a capacity of 6275 cubic feet and a maximum net load capacity of 100 tons.



EnergySolutions' Owned Super Gondola Railcar and IP-1 bags

Once the Super Gondola has been loaded and lid secured, a conveyance inspection will be performed as required. Once all shipping documentation has been completed, the railcars will be billed out to the *EnergySolutions* Clive, Utah specified disposal facility.

4. MOBILIZATION

The *EnergySolutions* project manager will schedule and coordinate the delivery of all transportation related materials and supplies, including IP-1 bags, cranes, trucks, trailers, Super Gondola railcars, IP-1 loading frames, and IP-1 lifting frames to the LA Projects sites and/or transload facility in Antonito, Co., as appropriate. Upon notification to proceed, *EnergySolutions* will mobilize Super Gondola railcars from the temporary railcar storage area to the transload facility. The Transportation Coordinator will inspect each railcar prior to use to verify that the railcars are in good working order per American Association of Railroad (AAR) requirements.

5. DOT HAZARDOUS MATERIAL CLASSIFICATION

The waste materials to be shipped are comprised of a waste matrix consisting of soil and debris. The soil and debris from the project is considered to be radioactive material for disposal by DOE standards. Waste material may be classified as DOT Hazard Class 7 or Class 9 or will be non-regulated for DOT Transport.

6. PACKAGING OF MATERIALS FOR TRANSPORT

The majority of the waste materials will be packaged and transported in strong "super sack" flexible packaging system containers. These containers are a double sided, flexible 242 cubic feet capacity (8.9 cubic yards) fabric bag, with a capacity of 24,000 lbs each. The "super sacks" are made of a very strong woven and coated polypropylene fabric material. This bulk packaging system meets the DOT package specification requirements for an Industrial Package (IP) -1 shipping container in 49 CFR 173.410 and 173.411. According to the Project Execution Plan (PEP), a front loader will be used to fill the "Lift-Pac" IP-1 bags, while a bag is positioned and secured in a specially designed Lift-Pac bag loading frame. The Bags shall be weighed prior to loading on the transport vehicle, so reasonably accurate loaded bag weights can be achieved and recorded during the waste loading operation. A crane or fork truck with sufficient capacity to safely lift and transfer the loaded IP-1 bags, and equipped with a specially designed Lift-Pac bag lifting frame, will be used to transfer the loaded IP-1 bags to flatbed trailers. Radiological surveys of the loaded bags will be performed and documented, and provided to LANS transportation personnel for preparation of DOT shipping papers. Once the weights and documentation have been received, the IP-1 bags will be loaded onto a flatbed truck trailer ensuring the load does not exceed the weight limits (local, state, or federal) and is properly secured per the DOT Federal Motor Carrier Safety Regulations (FMCSR) regulations in 49 CFR 393 Sub Part I. The secured load will be inspected by the LANS Shipper, who will execute the shipping papers and release the load from the excavation site for transport to disposal.

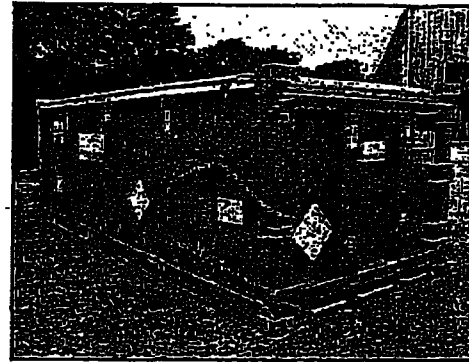
In addition to the use of the IP-1 bag containers for the majority of the waste, some of the waste will be containerized in 25 or 32 cubic yard IP-1 metal freight containers (intermodals). The intermodals will be used primarily for "over sized" waste or large and

jagged debris items that could puncture the IP-1 bags. These containers also meet the requirements of IP-1 container in 49 CFR 173.411.

The metal intermodals will be loaded with less than 22.5 tons of waste. The containers have a removable steel lid that secures in place. The dump doors have a waterproof gasket and a self-locking sealing mechanism.

Self loading tractor/trailers "roll on roll off" (roll-off) rigs may be used to self-load and haul these inter-modal containers in lieu of loading them on the flat bed trailers.

The full Intermodal may also be loaded onto flatbed transport vehicles with a Crane and or Fork Truck with a sufficient rated capacity. When loaded onto flatbed trailers the Intermodals shall be chained down to the trailer through all four bottom corners and two straps on each side of the intermodal that will go over the top.



32-yard IP-1 container

The intermodals may be hauled by roll-off truck or flat bed trailer from the excavation site to Antonito for trans-loading to rail, or direct to Clive. At the transload facility the containers will be loaded onto an Articulated Bulk Container (ABC) railcar using a crane. We anticipate eight (8) intermodals to be shipped per railcar, actual rail car loading will be determined by the rail service contractor.

7. SHIPMENT EXECUTION

To the extent possible, the IP-1 bags will be filled to a pre-determined weight using scales. Consistent container weights, in conjunction with pre-determined and assigned LANS and/or ES container ID numbers, ES shipment numbers, and LANS manifest numbers will facilitate the timely development, review, and execution of shipping documents.

8. TRANSLOAD FACILITY

Once the flat bed tractor/trailer truck arrives at the trans-load facility, the project personnel will offload the IP-1 bags using a mobile crane, lifting frame and rigging equipment. The IP-1 bags will be loaded into the Super Gondola cars under the direction of the Transportation Coordinator.

Project personnel will remove the Super Gondola lid using an appropriate lifting device (e.g. crane or extended boom fork lift). Prior to loading IP-1 bags, the PIC will make the determination to place absorbent material (kitty litter, quick-sorb, etc), as needed, to address potential condensation, precipitation, or potential free liquid accumulation concerns. The crane selected for lifting the IP-1 bags will be positioned in preparation for loading the railcar allowing for adequate swing radius to prevent numerous crane movements. A barrier will be placed around the crane to identify the area which suspended loads will be in movement; all non-essential personnel will be instructed to stay outside of the barrier area. The transload facility is located on a private rail spur

south of Antonito, CO. The railroad has secured a siding 920 feet long at this location. This facility is an excellent location for six major reasons:

1. It is located approximately one half mile from the nearest residents and three quarters of a mile from the nearest community.
2. It is also located in an industrial area close to the end of the rail line.
3. The location is easily accessible by truck, just off US highway 285.
4. Another advantage of the location for the transload facility is that it is located on the San Luis and Rio Grande (SLRG) rail line which offers daily rail service from the rail spur to the nearby Union Pacific rail yard, from which the loaded railcars are transported the final leg to Clive, UT.
5. The rail spur to at the transload location has the capacity for storage of ten or more Super gondola cars.
6. The selected location is also supported by a double track rail line which allows for the placement of over thirty rail cars to use as a "surge capacity" once operations commence. This "surge capacity" will allow ES to stay ahead of the production curve and to ensure an adequate supply of rail cars is always on hand.

9. RAIL SHIPMENT EXECUTION

The transportation coordinator (TC) at the transload facility will determine, direct, and document which IP-1 bags or intermodals are transferred to which railcar. The PIC or designee at the transload facility will assemble all shipment data including individual IP-1 bag numbers, and weights for the loaded railcar and, transmit the data to the ES rail transportation coordinator. The rail transportation coordinator will schedule shipment of the loaded railcars, and prepare, distribute, and otherwise manage the bills of lading for the rail shipments.

The transportation coordinator (TC) will perform a pre-transport inspection of the loaded railcar prior to shipment, in accordance with 49 CFR 173.24. Each loaded railcar will be inspected for signs of damage caused during loading operations. Railcar covers will be inspected to prevent water infiltration or the potential release of material from the railcar, and to ensure compliant markings, labels and placards.

The railcar bill of lading is used to ensure timely pickup of loaded railcars and delivery of empty railcars. The ES rail transportation coordinator or designee will complete and submit instructions and billing to the railroad in order to plan the pickup of the loaded railcars for transportation to the Clive, Utah disposal facility and to plan the delivery of empty railcars to the project for loading.

Based on previous experience, EnergySolutions expects the transit time for the rail transportation from the Antonito, CO transload site to the EnergySolutions Clive disposal facility to be approximately 7 to 10 days.

10. SHIPPING DOCUMENTATION

LANS will perform DOT Shipper functions for waste shipments from LANL, with technical support from ES. The following summarizes the shipping documents and process:

- As a pre-requisite to shipping, LANS will have prepared an internal (LANS) Waste Profile Form (WPF), a Chemical Waste Disposal Request (CWDR or WDR), and a Waste Data Form (WDF), and will have input container-specific data to the Waste Item Inventory (WII) tracking system.
- LANS will provide ES with LANS-specific container bar-code labels for waste packages. The LANS DOT qualified Shipper will prepare and provide a Uniform Hazardous Waste Manifest (UHWL or manifest) for each container to be shipped.
- ES will prepare an NRC Form 540 Uniform Low-Level Radioactive Waste Manifest Shipping Paper (Form 540) and Uniform Low-Level Radioactive Waste Manifest Container and Waste Description (Form 541) for each container.
 - The shipment number on the Form 540 will be the unique shipment as assigned by LANS on the UHWL.
 - The EPA Manifest Number assigned to the Form 540 will be the same as the pre-coded Manifest Tracking Number on the associated UHWL.
 - The Manifest Number assigned to the Form 540 are sequenced by the Clive generator number (first 4 digits), the waste stream number (next 2 digits), and the sequential shipment number under that generator and waste stream (last 4 digits)
- ES will prepare and provide the Special Nuclear Material exemption form (if required).
- LANS will perform a technical review of the Forms 540/541 and associated documents prepared by ES, and ES will in turn perform a technical review of the UHWL and associated pre-requisite documents prepared by LANS as required for the shipment.

11. SHIPPING PAPERS AND SHIPMENT EXECUTION

The following process will be followed for execution of waste shipments from Project Sites:

- The LANS Shipper will perform a pre-shipment transport vehicle safety inspection, verify the transport drivers qualifications, including hazardous materials endorsements and medical records, verify compliant waste packaging, marking/labeling, placarding, loading, blocking/bracing, and execute the shipping papers by signing as shipper/generator on the originals of the UHWL and Form 540
- The driver transporting the load from the work site shall sign the original UHWL as Transporter 1, and the original Form 540 as Authorized Carrier.

- EnergySolutions' Los Alamos, NM office (LANM) will make copies of the executed original shipping papers, and:
 - Provide a copy of the executed shipping papers to the transport driver carrying the load, to accompany the driver to either Antonito or direct to Clive.
 - If the load is to be shipped by highway direct to Clive, the driver will be provided with the executed original shipping papers.
 - Provide copies of the executed shipping papers to project management for project metrics.
- LANM will transmit (electronically or by mail/courier) the original shipping papers to Clive, and similar data to the ES-rail transportation coordinator.

Antonito Trans-load Facility:

- The Antonito transportation coordinator (TC) will accept loads by highway, by initialing the bottom of the shipping paper copies carried by the driver as "received".
- The TC will provide ES-rail transportation coordinator with railcar load data, i.e., which containers have been loaded to which railcars, total loaded weight per railcar, etc., to support preparation of the rail bill-of-lading.
- The TC will also provide the railcar load data to LANM, for preparation of the 5-day and 3-day advance shipment notices to Clive.

Rail Transportation:

- Based on railcar loading data provided by the Antonito transportation coordinator and NRC 540/541 data and DOT emergency response data provided by LANM, the EnergySolutions-rail transportation coordinator will prepare an electronic bill-of-lading for each loaded railcar, and transmit the information to the rail carrier(s), and provide copies as applicable to the Antonito transportation coordinator.
- The rail transportation coordinator will coordinate and schedule pick-up of the loaded rail car(s) with the rail carrier(s).
- Rail transport Bills of Lading will be executed and managed electronically.
- Upon receipt of the bill-of-lading and loaded railcar data, LANM will execute the 5-day and 3-day advance shipment notices to Clive

Clive:

- Upon receipt of truck or rail shipments, Clive will sign the original UHWM as Designated Facility Owner/Operator, and sign the original Form 540 as Authorized Consignee.
- Clive will then transmit copies of the signed shipping papers to LANM for project tracking and metrics, and return the executed originals to the originating LANS Shipper.

12. SHIPMENT TRACKING

EnergySolutions will track and report on the status of the waste shipments from the LANL Project site to the Clive, Utah disposal facility. A combination of web-based programs, e-mail, and phone/fax contact with the project personnel and the disposal facility will be utilized to update the progress of the rail shipment. The rail transportation coordinator will provide daily rail tracking and reporting to the LANM project manager in the form of a Steelroads report generated based on current car locations reported from Union Pacific Railroad. All rail transport tracking will be managed through Union Pacific only, as Union Pacific will manage the "shuttle service" provided by the San Luis & Rio Grande Railroad between the trainload facility and their main line connection in Antonito.

13. EMERGENCY RESPONSE

LANS, as the DOT Shipper of Record for LANL, will prepare and execute DOT shipping papers and will provide all emergency information required in 49 CFR Subpart G – Emergency Response Information, with technical support from EnergySolutions. Detailed shipping papers meeting the requirements of 49 CFR 172.202 along with the applicable page from the DOT Emergency Response Guide (ERG) will be provided to the truck drivers transporting these loads.

The project Person in Charge (PIC) will perform as the emergency response contact for all transportation events and incidents. Transportation incidents and events will be managed, and notifications made, according to *Emergency Response and Contingency Action Plan*. This plan, which includes highway and rail transport, as well as highway to rail trans-load operations at the Antonito, CO facility, provides information and instructions for the proper reporting, handling, and cleanup of spills or releases to the environment.

14. TRANSPORTATION SECURITY PLAN

The material to be transported is low-DOT-hazard waste material, with no intrinsic value. Therefore, the most significant transportation security risks associated with this project are the risks associated with waste transport vehicle accidents and, to a lesser degree, personnel exposure and environmental contamination from spilled or leaked waste material.

The risks from vehicle accidents are minimized and mitigated by employing only properly trained and licensed drivers, proper waste packaging and load securement, and transport vehicle pre-use safety inspections.

Filled and loaded waste containers in highway transport, including vehicle transfers and staging, shall be attended by project or transporter personnel at all times, to ensure en-route security.

The rail transload facility at Antonito, CO will have a fenced area with a security gate. All loaded trailers containing IP-1 bags or inter-modal containers that have not been unloaded or transferred to rail cars will be kept behind the fenced and locked area until they can be loaded in the rail cars. Upon waste loading, and when not in use, the Super

Gondola rail cars will be closed with a 3000 pound fiberglass lid in place and clamped to prevent unauthorized access to the waste materials.

Apart from security at the Antonito yard, transportation security for both projects is managed and implemented by modal-specific security plans, that is Hittman Transportation's highway transportation security plan and the railroad transportation security plans of the Union Pacific Railroad and the San Luis & Rio Grande Railroad. EnergySolutions will ensure that all motor carrier and rail transporters involved with this project have established security plans in compliance with 49 CFR 172.800 by maintaining on file certifying letters from all transporters that the required security plans are in place and implemented.

15. MOTOR CARRIER OPERATIONS

Hittman Transportation or another HQ DOE Office of Transportation (EM-63) approved motor carrier will be used to provide the qualified drivers and flat bed equipment to transport the loaded IP-1 bags or inter-modal containers from the LANL project sites to the Antonito, CO transload facility. Any motor carrier used will be approved by the HQ DOE Motor Carrier Evaluation Program (MCEP). Hittman Transportation is approved and is listed in the top 10% of carriers certified by the DOE to transport radioactive materials and hazardous waste in truck load quantities DOE complex wide.

Waste loading, highway transportation, and highway to rail transload operations will be performed primarily during daylight hours. However, some night operations may be necessary because of the short day time hours in the winter months. The transload facility will be set up with portable light plants when required for after dark operations.

16. HIGHWAY ROUTING

The highway route that will be used to transport the loaded containers and return the empty flat bed trucks is as follows:

- New Mexico (NM) Highway # 4 (truck route from Los Alamos) to state highway NM #502.
- Proceed on state highway NM # 502 to the junction of state highway NM # 30
- Proceed North on State highway NM # 30 to the junction of US highway 285.
- Continue on North on US Highway 285 approximately 85 miles to Antonito, CO
- Approximately three quarters of a mile south of Antonito, turn right into the transload facility.

It is estimated that there will be approximately 6 truckload shipments per day. At no time will trucks be allowed to "convoy" from LA to the transload facility. This volume of truck traffic should have a negligible impact on the day to day traffic along the route.

However, it should be noted that the highway route these trucks will travel meets all of the US DOT requirements for the transportation and routing of hazardous materials as specified in 49 CFR 397.61 in a quantity that requires placarding by motor vehicle. Additionally, the route also meets all of the requirements for the transportation of

radioactive materials in placarded quantities in 49 CFR 397.101. Nothing was found in the State of New Mexico regulations that would prohibit the use of the proposed route. The state of New Mexico, like the US DOT, bases route restrictions on the type and quantity of hazardous materials being transported and only in quantities that require the use of DOT placards in 49 CFR Part 172 Subpart F.

17. RAILROAD OPERATION AND ROUTE

From the transload location south of Antonito, CO the San Luis and Rio Grande (SLRG) railroad will transport the loaded cars to Walsenburg, CO where the rail cars will be interlined with the Union Pacific (UP) railroad. The UP railroad will follow a route North through the state of Colorado and into Cheyenne, Wyoming then West along the UP main line to the ES disposal facility at Clive, Utah. Occasionally, Union Pacific uses the more direct route leaving Denver and traveling west through Grand Junction, CO, on through Price, UT, then into the SLC Roper yard. This route allows considerable time savings.

The rail route is approximately 890 miles. Turn around time for the rail cars is approximately 24 days. The SLRG will provide daily rail service to include at least one switch per week day at the transload facility.

It is anticipated that the rail car retention time at Antonio, CO will be kept to <96 hours. We expect the loaded rail cars will be manifested and shipped the following day after being spotted for loading at the Antonio, CO transload facility. We would expect that no loaded rail car would sit on the siding at the transload facility longer than three days over a weekend. At the end of each day a custom built fiberglass lid will be placed on all loaded or partially loaded rail car to protect loaded waste from weather (i.e., accumulation of precipitation) as well as for security reasons.

Railcars will be either EnergySolutions owned rail cars such as the Super gondola cars or possibly leased cars in the case of the ABC cars. In either case all rail equipment will be maintained in full compliance with the maintenance requirements in 49 CFR part 215 Railroad Freight Cars and Safety Standards.

18. CONTINGENCIES IN THE EVENT OF INCLEMENT WEATHER

EnergySolutions will ensure that acceptable weather conditions exist prior to the dispatch and during the approximate two to three hours transit time from the LA site to the Antonito transload facility. No transport vehicle will be dispatched from any of the phased transport sites when severe weather conditions or adverse road conditions exist or are forecasted along the highway route to be transversed. Severe weather conditions include warnings issued by the National Weather Service such as dense fog conditions, severe thunderstorm warnings, heavy snow warnings, blowing or drifting snow conditions as well as freezing rain/drizzle situations. Adverse road conditions are those that would prompt travel advisories that suggest unnecessary travel be avoided. Weather data available via the internet from the US National Weather Service as well as web sites for the New Mexico and Colorado will be utilized. The project will make the decision whether to ship or hold the trucks during inclement weather working closely with the LANS Shipper and the trucking company management.

19. REFERENCES

49 Code of Federal Regulations, parts 100-199.

Emergency Response Guidebook (ERG 2008)

EnergySolutions Operating Procedure for Brokers of Hazardous Waste (ES-BR-PR-002)

Federal Motor Carrier Safety Regulations, parts 383, 387, 390-399.

Federal Railroad Administration Regulations, parts 200 – 299.

INEEL Study for Soft Sided Containers.

LANL Site Wide Environmental Impact Statement (SWEIS)

Transload Facility Operations Procedure



Trans-load Facility Operations

FS-LAO-TR-OP-001

Revision 0

Authorized By:

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Date 5/19/10

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- ☒ New
☐ Title Change
☐ Revision

Effective
Date

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1. INTRODUCTION

The EnergySolutions, LLC Trans-load Facility will be used for U.S. Department of Transportation (DOT) containers from Highway transport vehicles to railroad cars. The containers will be generated and filled at the Los Alamos National Lab (LANL), New Mexico, and are being transported for disposal at EnergySolutions Clive, UT disposal facility (Clive).

This procedure provides instructions for performing safe and efficient waste trans-load operations at the Trans-load Facility. This procedure also incorporates the elements of, and constitutes a Project Execution Plan and a Transportation Management Plan. This procedure applies to EnergySolutions personnel and all their lower-tier subcontractors supporting the trans-loading operations.

2. EMERGENCY RESPONSE

Off normal transportation incidents and events which may occur during the highway-to-rail transfer operations may include, but are not limited to, vehicle accidents, waste container integrity failures, waste material spills from container integrity failures, and heavy equipment fluid leaks. Emergencies and other unplanned events, including container failures, are managed per the Highway-to-Rail Trans-load Facility – Emergency Response and Contingency Action Plan, FS-LAO-EM-PN-003

3. BACKGROUND

The DOT containers are transferred from highway vehicles to rail cars at the Trans-load Facility and contain waste materials from LANL that meet the definition of 1) DOT-regulated hazardous materials (Class 7 and Class 9) or 2) unregulated materials that are classified as DOE/NRC radioactive materials for disposal purposes.

The containers to be used will be DOT Certified Containers which include eight cubic-yard capacity soft sided containers soft sided containers or 25-32 cubic-yard capacity steel reusable "intermodal" boxes, both of which meet DOT-IP-1 package criteria.

4. CONTAINER TRANS-LOAD INSTRUCTIONS

4.1 Waste Trans-load Pre-requisites

4.1.1 TRANS-LOAD SHIPMENT ACCEPTANCE: Waste shipments shall not be received at The Trans-load Facility unless appropriate resources, good weather, and sufficient work time is available to allow same-day transfer of containers to rail cars. Container trans-load operations will be allowed only when sustained winds are below 25 miles per hour and other weather conditions do not impact loading operations.

4.1.1.1 The only loads accepted at the trans-load facility shall have been agreed between the EnergySolutions Project Manager at LANL and the Transportation Coordinator at Antonito

4.1.2 Communication between the EnergySolutions Project Manager or Site Supervisor and the Transportation coordinator will be accomplished by cell phone. The EnergySolutions Project Manager shall communicate to the

Transportation Coordinator the number of shipments that will be en-route to the trans-load facility.

- 4.1.3 At a minimum there will be one person on site whenever container transfer operations are occurring who has been trained to respond in the unlikely event of a container spill or breach occurs that can take immediate action to minimize material release.
- 4.1.4 Trans-load facility operators will place a tarp or other barrier under the planned pathway of the actual transfer from the truck-to-rail container. This will be sufficient to capture and contain any waste material falling from a punctured bag or failed container.
- 4.1.5 **EMERGENCY RESPONSE SUPPLIES:** Trans-load Facility staff will establish and maintain appropriate emergency response supplies and equipment sufficient to manage an incidental waste material release or spill. Appropriate spill management supplies maintained at the worksite will include manufacturer supplied patch kits to repair small breaches to the IP-1 LIFT-PAC soft sided containers, salvage drums, and spare IP-1 LIFT-PAC soft sided containers.
- 4.1.6 A medical kit, a biohazard/CPR kit, and an eye wash bottle shall be provided and kept within easy access at the work area. All work personnel will be instructed as to where the kits and eye wash bottle are securely stored.
- 4.1.7 **WASTE CONTAINER INTEGRITY:** Incoming highway transport vehicles and waste containers/loads shall be inspected upon receipt at The Trans-load Facility for package and vehicle integrity per Attachment 5.
- 4.1.8 **EQUIPMENT INSPECTION AND MAINTENANCE:**
 - 4.1.8.1 On-site heavy equipment and arriving trucks and trailers will be inspected daily before being used in operations and maintained to minimize and manage hydraulic, fuel or other fluid leaks and spills per Attachment 4.
 - 4.1.8.2 In the event of an incidental spill or release of hydraulic fluid, vehicle fuel, or other equipment fluid leaks; operations will immediately stop work, equipment will be shut off and placed in a safe position, and the supervisor will be notified. Equipment leaks and spills will be collected, containerized, and compliantly managed for disposal.
 - 4.1.8.3 Faulty equipment shall be repaired or replaced as applicable, and any resulting spill or equipment residues shall be properly collected, containerized, and compliantly managed, prior to commencement of waste transfer activities.
- 4.1.9 **EQUIPMENT STAGING:** Trucks will be spotted on firm and stable portions of the site in preparation for trans-loading the containers. Loaded transport trailers shall be positioned adjacent to the crane and rail car for safe and efficient bag transfer. Assemble the necessary heavy equipment and supporting elements to safely accomplish rail car loading. This will generally consist of an appropriately sized crane, approved rigging and rail car access equipment such as articulated boom lifts etc.

- 4.1.10 **SITE AND CONTAINER SECURITY:** The trans-load facility The container transfer site shall be barricaded from un-authorized vehicle traffic from all access roads during trans-loading operations. Containers transferred to rail cars will be secured by replacing the fiberglass lid on the rail gondola car at the end of the day or secured to the intermodal rail cars at the end of each business day. In the unlikely event that one or more waste containers are not transferred to and secured on the rail car by close of business, the unsecured container(s) shall not be left unattended until transferred
- 4.1.11 At no time shall a container be laid on the ground (unless an unsafe condition occurs). All containers shall remain on the Highway transport vehicle, inside of the Super Gondola car or on an ABC Car.
- 4.1.12 No trucks used in Operations may be parked or "staged" within Conejos County on State Highway 285 or any County Roads.
- 4.1.13 No EnergySolutions gondolas/rail cars may be left overnight in the Towns of Antonito, Romeo, or La Jara. In no event will any EnergySolutions gondolas/rail cars fully loaded with waste materials remain on the property for more than 96 hours.
- 4.1.14 Operations will not occur on Sunday except under special circumstances dictated by scheduling requirements, and only after 7 days prior notice to the County Land Use Administrator or Code Enforcement Officer.

4.2 Gondola Railcar Cover Removal and Placement

The Fiberglass Reinforced Plastic Railcar Covering system can be removed or installed using a crane and three nylon slings with hooks capable of securing a 1" square Bar and rated for a lift capacity of 3,000 lbs minimum per sling.

Warning: Before removing or installing the railcar cover, the cover clamps must first be locked in the fully open and upright position. There is one cover clamp located near each corner of the railcar cover and the following procedures apply to each of the clamps.

4.2.1 Gondola Railcar Cover Removal

Warning: Winds can whip the cover when lifting, as a safety precautionary measure, always use a ground person(s) and a tag line(s) of at least 15' or more in length attached to one or more of the four cover clamps when moving cover.

- 4.2.1.1 As a reference point, you can place a removable mark at the center of the cover and a corresponding mark on the railcar (if not already marked) prior to removing cover to assist you in aligning the cover when replacing it onto the railcar.
- 4.2.1.2 Remove the bridge locking pin from bull nose hitch pin on each clamp.
- 4.2.1.3 Remove bull nose hitch pin from the clamp base assembly of each clamp to unlock the swing arm.
- 4.1.2.4 Lift the swing arm up on each clamp until it reaches it's full and upright position.

- 4.1.2.5 Re-insert the bull nose hitch pin to lock clamp arm in the upright position and install the bridge locking pin on each clamp.
- 4.2.1.6 With all four cover clamps locked in the upright position attach a tag line to one or more clamp assemblies on the cover and position the ground person(s) accordingly. Attach the sling hooks to the center of each of the 1" square bar located in the top center of each of the three lifting cages atop the cover and attach to crane locking mechanism.
- 4.2.1.7 Carefully lift the cover from the railcar and place cover in a predetermined safe and secure storage location. Covers are stackable to save space as needed.
- 4.2.1.8 If desired, a cover that is removed from a railcar can be stacked on top of the next covered railcar in line.
- 4.2.1.9 Secure the cover to prevent any potential winds from picking the cover up and possibly damaging it or other property.
- 4.2.1.10 Remove the slings and tag line(s) from the cover.

4.2.2 Gondola Railcar Cover Installation

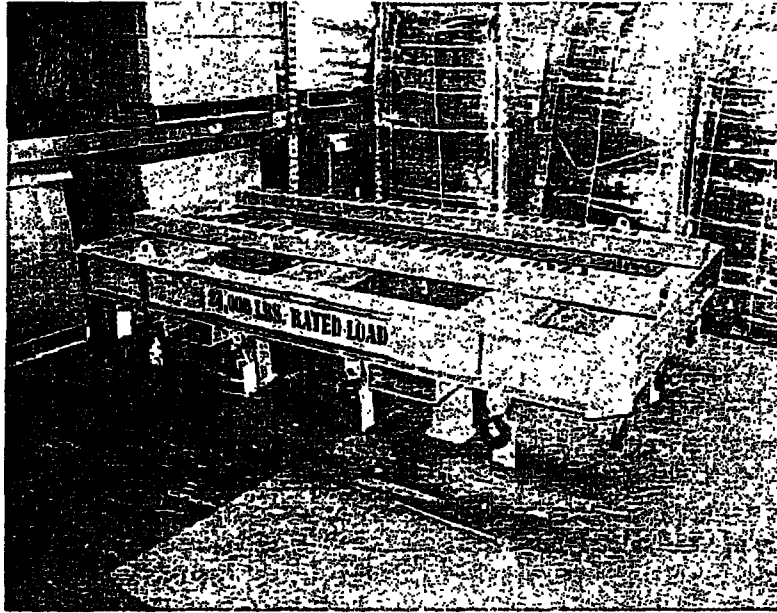
- 4.2.2.1 With all four cover clamps locked in the upright position attach a tag line to at least one clamp assembly (more if needed) of the cover and position the ground person(s) accordingly. Attach the sling hooks to the center of each of the 1" square bar located in the top center of each of the three lifting cages atop the cover and attach slings to the crane locking mechanism.
- 4.2.2.2 Carefully lift the cover from the storage area, position cover over the railcar and align position marks (if used) and lower cover onto railcar making certain all four corners are snug and in position to properly secure cover to railcar. For safety purposes, keep sling assemblies attached to crane and cover until the cover is fully secured and locked onto the railcar.
- 4.2.2.3 Remove the bridge locking pin from all four corner clamps bull nose hitch pin.
- 4.2.2.4 Remove bull nose hitch pin from each of the four clamp assemblies.
- 4.2.2.5 Lower the swing arm on each of the four cover clamps to their full down and locked position making certain that the lowest portion of arm is positioned under the top sill of the railcar and the bull nose hitch pin can be inserted into it's locked position.
- 4.2.2.6 Insert the bull nose hitch pin and bridge locking pin to lock the clamp arm in the down and locked position on all four clamps.
- 4.2.2.7 Remove the slings and tag line(s) from the cover.
- 4.2.2.8 Perform a final quality assurance check on the cover for damages and proper positioning and assure that all four clamps are properly secured in the down and locked position prior to shipping the railcar.

NOTE: For further information or questions, please call EnergySolutions at 801-649-2000 and ask to be transferred to someone in the Rail Transportation Group.

4.3 LIFT-PAC IP-1 Bag Transfer Instructions

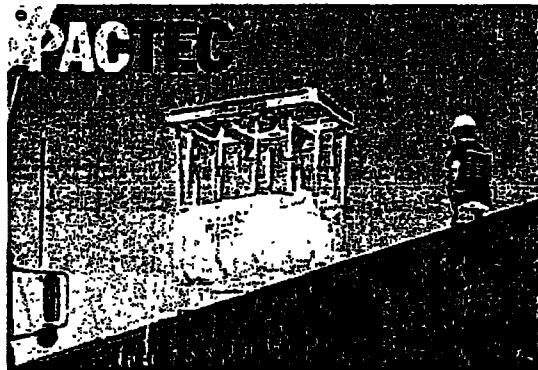
The LIFT-PAC IP-1 soft sided containers of soil and debris will be transferred from highway transport to rail cars per the following instructions. The containers that are trucked from LANL will be loaded into Super Gondola rail cars and shipped to the EnergySolutions disposal facility at Clive, Utah via rail.

- 4.3.1 Loaded soft sided containers are handled only with the engineered lifting frame that is supplied by the manufacturer for this purpose. The lifting frame is designed to lift the load evenly and balanced throughout the entire process. The basic design is that of a welded rectangle steel frame with 3-ton carbon steel eye hooks with spring loaded safety latches and four (4) equal 5/8" steel plate lifting lugs attached to the upper surface. The lifting frame is designed to be deployed from either a fork lifting device or a crane.
- 4.3.2 The LIFT-PAC containers shall be transferred from the highway transport vehicle to the railcar using the Pac-Tec lifting frame. The lifting frame is specifically engineered for this purpose. The device is factory load tested and inspected. Records of these tests and inspections will be verified during EnergySolutions QA Receipt Inspection and Acceptance. These records will be retained by EnergySolutions and will be available for inspection upon request.
- 4.3.3. Weight of the soft sided containers that will be lifted with the loading frames will typically weigh between 14,000 and 16,000 pounds but shall not exceed 24,000 lbs.
- 4.3.4 The routine handling of loaded LIFT-PAC containers is accomplished using the same below the hook rigging devices for all lifts. This is essentially attached to a crane or forks of the forklift to the engineered lifting device provided by Pac-Tec. The engineered lifting device is specifically designed to only be used with Pac-Tec LIFT-PAC containers. The rigging personnel will attach each of the 14 LIFT-PAC lifting straps to their associated lifting hook that is attached to and is a part of, the engineered lifting frame.
- 4.3.5 Elevated loads shall be routed so that no personnel are exposed to the hazards associated with falling objects. No personnel shall be permitted under suspended loads during handling operations.
- 4.3.6 A designated spotter will maintain direct visual communications with the equipment operator during all handling operations.
- 4.3.7 Personnel responsible for hooking and unhooking of the LIFT-PAC lifting straps from the lifting frame shall only do so under the direction of the designated spotter.
- 4.3.8 The crane or Fork lift used to transfer the LIFT-PAC soft sided containers shall maintain a safe operating distance from all High Voltage Lines, to ensure that the equipment or any part thereof does not have the capability to come within the following distance from the energized lines:
 - 1. 11 feet from lines of 50 kV or less DURING OPERATIONS
 - 2. 5 feet from lines of 50KV or less DURING TRANSIENT MOVEMENT



The above photograph depicts the Lifting Frame assembly showing the 4 lifting lugs to which the crane rigging attaches and the slots in which the forks of the forklift insert. Each of the 14 load hooks have a rated capacity of 3000 lbs and are provided with safety latches.

The shackle that attaches the slings to the crane hook will have a minimum safe working load of 30,000 pounds. The below photograph depicts the lifting frame with suspended LIFT-PAC being loaded into a rail car.



- 4.3.9 Carefully inspect the loaded and sealed LIFT-PAC prior to Lifting Frame use. Extra effort should be made to closely inspect the top flap to insure complete closure.

- 4.3.10 Locate and inspect all lifting straps (loops) making sure there is no damage to the lifting straps and they are free from the interior sidewalls of the Loading Frame. During inspection, detach Velcro straps from the top guide loops around the top outer perimeter of the LIFT-PAC. Detaching the straps will prevent tearing during the lifting process.

CAUTION: If these VELCRO tabs are not released, the bag may tear at the top guide loop area.

- 4.3.11 Once the Lifting Frame is attached to the lifting equipment, it is then carefully positioned in a plane parallel to the top of the loaded LIFT-PAC.
- 4.3.12 The Lifting Frame must be aligned with the configuration of the LIFT-PAC lifting straps.
- 4.3.13 The Lifting Frame should then be lowered over loaded and sealed LIFT-PAC bag to the point where the extended lifting straps may be easily hooked to the appropriate corresponding Lifting Frame hook.
- 4.3.14 Center the Lifting Frame over the IP-1 bag to be transferred, such that the 14 hooks on the Lifting Frame are positioned over the 14 lifting straps on the LIFT-PAC
- 4.3.15 Attach all 14 bag lifting straps to the corresponding 14 hooks on the lifting frame
- 4.3.16 Re-verify that the VELCRO TABS that secure the LIFTING STRAPS to the bag are opened and fully disconnected from the bag.
- 4.3.17 SLOWLY hoist the loaded bag from the transport vehicle.
- 4.3.18 Once the loaded bag has been transferred to the rail car and placed in the desired loading position, make certain that the lifting frame is slackened sufficiently to permit removal of the lifting straps.
- 4.3.19 Remove the lifting straps from the Lifting Frame, and hoist the Lifting Frame away from the bag and move it into the desired standby location pending next use.
- 4.3.20 The Transportation Coordinator will manage and track waste containers as they are transferred to rail cars to optimize loading efficiencies and provide documentation for preparation of railroad Bills of Lading and other project documentation.

4.4 Transferring Intermodal Containers to Railcars

Intermodal containers that are trucked from LANL will be loaded on to ABC rail cars and shipped to the EnergySolutions disposal facility at Clive, Utah.

Loaded intermodal containers are handled with a large fork lift or crane for loading on to the rail car as follows:

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- 4.4.1 Weight of the intermodal containers that will be lifted will not exceed 50,000 pounds
- 4.4.2 The crane, rigging or forklift will be inspected prior to use per Attachment 4 . The rigging personnel will attach certified lifting slings to the container on the truck and the container will be moved and locked down on the rail car.
- 4.4.3 Elevated loads shall be routed so that no personnel are exposed to the hazards associated with falling objects. No personnel shall be permitted under suspended loads during handling operations.
- 4.4.4 A designated spotter will maintain direct visual communications with the equipment operator during all handling operations.
- 4.4.5 Personnel responsible for hooking and unhooking of the lifting slings from the container shall only do so under the direction of the designated spotter.
- 4.4.6 The crane or Fork lift used to transfer the container shall maintain a safe operating distance from all High Voltage Lines, to ensure that the equipment or any part thereof does not have the capability to come within the following distance from the energized lines:
 - a. 11 feet from lines of 50 kV or less DURING OPERATIONS
 - b. 5 feet from lines of 50KV or less DURING TRANSIENT MOVEMENT

5. Waste Shipment Documentation, Preparation and Execution

Each container from LANL will have its own individual shipping paper. When preparing and executing waste shipments from LANL via Highway, the LANS Shipper will generate and execute additional copies of the shipping papers for rail transport.

- 5.1 The Transportation Coordinator (TC) shall assemble all the shipping papers for the containers transferred to a particular rail car.
- 5.2 The TC shall prepare a Bill of Lading (BOL) for transport of the loaded rail car, or provide the appropriate load data to the designated BOL generator.
- 5.3 The TC shall transmit the rail car load data to EnergySolutions Clive disposal facility and provide the Clive disposal facility with the appropriate 5-Day Shipment Notice data for the pending rail car delivery.
- 5.4 The TC shall execute the BOL for the rail car and the shipping papers (manifest) for each bag or other container loaded to the rail car, with the initial rail transporter, and transmit the executed shipping papers to the primary rail carrier, the Union Pacific Railroad, as necessary.
- 5.5 The TC shall provide EnergySolutions' Los Alamos office with waste transfer and rail car load data as appropriate, to support project metrics and reporting.

6. RECORDS

Waste transfer and rail car load data (daily production logs) are considered project Quality Assurance records and need to be submitted on a regular basis in accordance with FS-SW-AP-02-03, Records management.

7. REFERENCES

- Highway-to-Rail Trans-load Facility – Emergency Response and Contingency Action Plan, FS-LAO-EM-PN-003
- Upper Los Alamos Canyon Project Execution Plan, FS-LAO-LA-PN-001
- Upper Los Alamos Canyon Transportation Management Plan, FS-LAO-TR-PN-003
- First Notifications, ES-AD-PR-005
- Records Management, FS-SW-AP-02-03

8. ATTACHMENTS -

- Attachment 1 - Standard Work Site Start-Up and Shut-Down
- Attachment 2 - Standard Pre-Work Crew Briefing
- Attachment 3 - Safety / Housekeeping Inspection Checklist
- Attachment 4 - Daily Equipment Inspection Checklist
- Attachment 5 - Incoming Waste Container & Motor Vehicle Inspection Checklist
- Attachment 6 – Railcar Lid and Clamp Inspection Form

Attachment 1
Standard Work Site Start-Up and Shut-Down

DAILY START-UP CHECKS

- Perform all DAILY EQUIPMENT INSPECTIONS and file the inspection forms in the Equipment Log Binder
Equipment Operators / Forklift Operators / Truck Drivers
- Warm up all engine powered equipment
Equipment Operators / Forklift Operators / Truck Drivers

DAILY SHUT-DOWN CHECKS

- Park and properly secure all powered equipment
Equipment Operators
- Refuel all equipment as required
Equipment Operators
- Grease & Lubricate all equipment as required
Equipment Operators
- Secure and lock all storage facilities
Transportation Coordinator
- Inventory consumable equipment and prepare restock list for next operating shift
Transportation Coordinator

Copy or transcribe daily production logs and deliver to the EnergySolutions Office for report preparation by EnergySolutions Supervisor.

Attachment 2
Standard Pre-Work Crew Briefing

ONLY PERSONNEL THAT HAVE ATTENDED THE PRE-WORK BRIEFING WILL BE PERMITTED TO PARTICIPATE IN WORK SITE OPERATIONS. EACH NEW ARRIVAL MUST RECEIVE BRIEFING APPROPRIATE TO HIS OR HER DUTIES PRIOR TO ACCESSING THE WORK SITE.

- Take attendance and confirm that appropriate crew members and qualifications are present to support planned shift operations
Transportation Coordinator
- Review status from previous work day and work to be accomplished in the on-coming shift
Transportation Coordinator
- Review lessons learned – personnel safety – operations – general
Transportation Coordinator / ES&H Representative
- Review operational, safety and radiological considerations for the on-coming work shift
ES Supervisor / ES&H Representative / RCT
Transportation Coordinator
- Designate Spotters
Transportation Coordinator
- Crew Feedback
Crew members

Attachment 3
SAFETY/HOUSEKEEPING INSPECTION CHECKLIST

Location:	Project Manager:		
	Satisfactory	Unsatisfactory	Applicable
Personal Protective Equipment available			
Housekeeping			
Flammable and Combustible Liquids			
Gates closed, access controlled			
Spill response equipment on hand			
Waste containers compliantly managed			
Ladders			
Temporary Heaters			
Fire Protection and Prevention			
Material Storage and Handling			
Cranes/ Hoists and Derricks			
Power Tools			
Hand Tools			
Heavy Equipment			
Motor Vehicles			
Equipment Maintenance (Upkeep)			
Accident Prevention (Warning) Signs and Tags			
Barricades			
ALARA (Radcon)			
Rail car integrity, compliance			
OVERALL RATING Excellent <input type="checkbox"/> Above Average <input type="checkbox"/> Average <input type="checkbox"/> Below Average <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>			
COMMENTS:			
Inspectors Signature:		Date:	

Trans-Load Facility Operations**Attachment 4
DAILY EQUIPMENT INSPECTION**

DATE:	LOCATION:	CURRENT METER HOURS
EQUIPMENT NUMBER:	EQUIPMENT TYPE:	

ITEMS INSPECTED		SATISFACTORY		
		NO	YES	NA
1	Is engine oil level sufficient			
2	Is hydraulic oil level sufficient, cap and vent conditions			
3	Check radiator coolant level and radiator fins			
4	Check transmission oil level			
5	Check for oil or coolant leaks			
6	Check wheels / tires / tracks for damage, cuts and proper inflation and PSI			
7	Check ground engaging implements, cutting edges, teeth, blade etc			
8	Inspect visible hydraulic hoses / lines for scuffs, wear, leaks, etc.			
9	Check all gauges, lights, controls, backup alarms, horn, etc.			
10	Check for presence of fire extinguisher and ensure that it is charged			
11	Check floor for build up of dirt around pedals			
12	Check and Inspect Seat Belt, lap bars			
13	Clean windows, inspect for cracks			
14	Do a walk around inspection looking for obvious signs of future problem areas			
15	Check grab handles and step treads, etc.			
16	Check operation of all systems, boom, bucket, dump bed, grapple, and shears			
17	Look for leaks, damage, warning signs, excess slack, obvious wear, etc.			
18	Check under the machine for any loose or hanging objects, leaks or anything out of the ordinary			
19	Check fuel level and cap condition			
20	Lube all moving parts, such as blade, bucket, stick, connecting links, equalizer bar, cylinder pins, and any point that is subject to grease being pushed or worn out due to daily use			
21	Verify presence of operations / maintenance manual			
COMMENTS:				
Inspectors Printed Name:				
Inspectors Signature		Date:		

CONTAINER INSPECTION LOG SHEET

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Attachment 6
**ENERGYSOLUTIONS AND SAN LUIS RIO GRANDE RAILROAD
SITE SECURITY PLAN**

1. INTRODUCTION

This Site Security Plan (Plan) describes the provisions for onsite security at the Transload Facility, notification to and coordination with State, County, and Antonito law enforcement agencies, and post-incident reporting. The security provisions contained in this plan address the unlikely events of theft, sabotage, and vandalism, and include provisions for addressing protests and demonstrations.

2. BACKGROUND

The Transload Facility is located south of Antonito, Colorado, and just east of US Highway 285, which will be used to transfer DOT containers from highway transport vehicles to railroad cars. The containers will be generated and filled at the Los Alamos National Lab (LANL), New Mexico, and are being transported for disposal at EnergySolutions Clive, UT disposal facility (Clive). Figure 1 illustrates the location of the Transload Facility just south of the Antonito city limits.

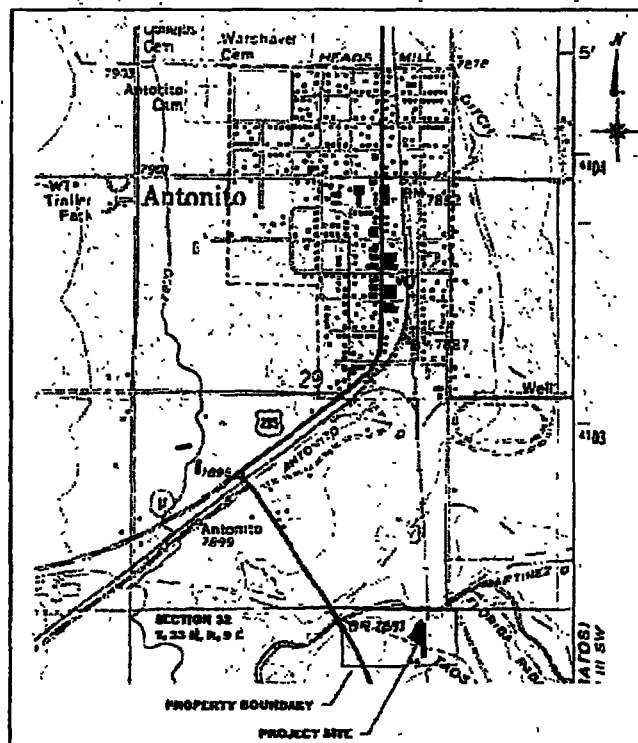


Figure 1. Transload Facility Location

3. SECURITY LIGHTING SYSTEM

Several solar powered flood lights with motion detection devices have been installed at the Transload Facility. Figure 2 illustrates the locations of each of the flood lights. The security lights have been placed at the east and west gates accessing the Transload Facility, at each of the four corners of the trailer within the fenced area, and two additional locations mounted on the existing conveyor structure located at the south end of the property. The purpose of the security lights are to minimize the threat of sabotage or theft from individuals who may enter the facility during the night.

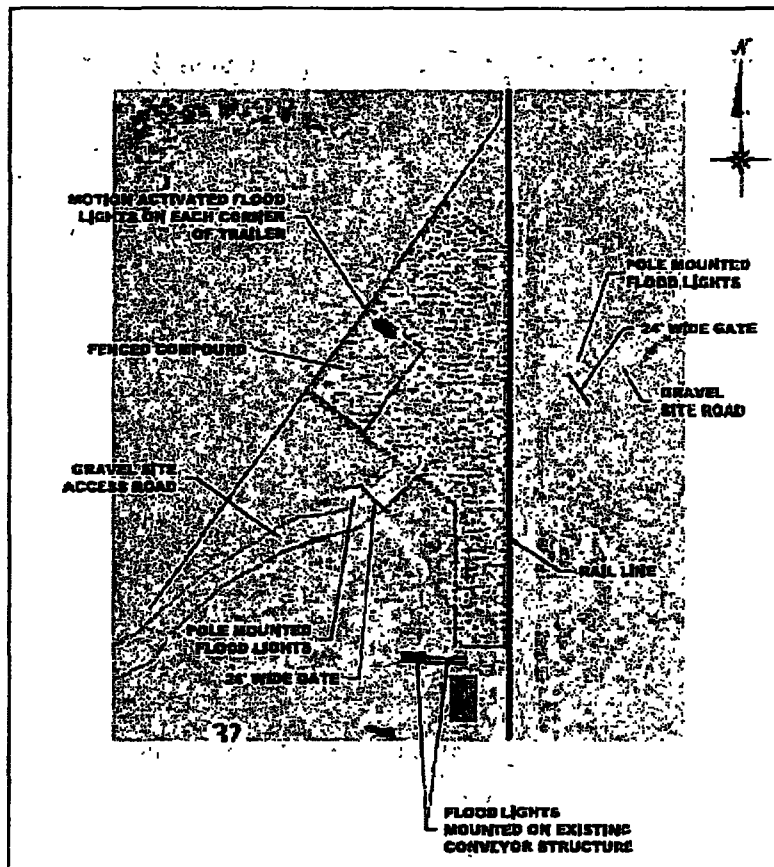


Figure 2. Security Lighting System at the Transload Facility

4. SECURITY GATES

Two gates have been installed on the west and east side of the Transload Facility on the access road as illustrated in Figure 2. These gates will be closed during operations to prevent non-project personnel from entering the Transload Facility where operations are occurring. These gates may also be closed during non-operational hours to prevent access through the Transload Facility if deemed necessary by project personnel.

5. DAILY INSPECTIONS

Daily inspections of equipment and rail track (e.g., crane, railcars, etc.) and surrounding area at the Transload Facility will occur prior to daily start up to ensure no damage occurred during non-operational hours that would affect operations. Daily inspections will be performed in accordance with equipment operating procedures.

6. TRANSPORTATION INSPECTIONS & SECURITY

Truck drivers will inspect the shipment to ensure compliance with U.S. Department of Transportation regulations before, during, and after transportation of the packaged waste material to the Transload Facility. Truck shipments of waste materials at the Transload Facility not loaded onto railcars will be attended by personnel at all times. In the event that the containers are unable to be transloaded due to operational or weather constraints, containers shall remain on the transport vehicle.

7. SECURITY GUARDS

SLRG Railroad currently utilizes a local security company (GWI Investigative Services) to provide services at several of its rail locations. Security guards will be deployed to the Transload Facility during any protest or demonstration to ensure operations are allowed to proceed in a safe and compliant manner. Additionally, security guards will be utilized to police the Transload Facility as part of their routine security checks during non-operating hours. Security breaches will be reported immediately to local law enforcement agencies.

8. SECURITY INCIDENT REPORTING

For any security incident event involving transport vehicles or materials in transport, including container failures, ruptures, punctures, or spilled waste material of any quantity, onsite personnel will call the emergency contact number listed on the shipping papers, i.e., NRC 540 Uniform Low-Level Radioactive Waste Manifest and the Colorado State Patrol, (719) 589-5809 OR 911, for ambulance, fire department or hazardous materials response team dispatch.

For security incidents not involving materials in transport or at the Transload Facility, onsite personnel will contact the Conejos County Sheriff's office, Colorado State Patrol, and the local security company.

Attachment 7
Railcar Lid and Clamp Inspection Form

Clamp # 1 is nearest to the Railcar Hand Break

Hand Brake → Gearcase → Lid

Facility: _____ Date: _____

Incoming ☐ Outgoing ☐

Railcar #	Lid #	Clamp	Proper Position	Bolt and Lock Washer Secure	Proper Position	Bolt nose & Safety Pin Secure	Proper Position	Fiberglass Condition / Corner Brackets	Proper Position	Other Comments
				Problem / Comment		Problem / Comment		Problem / Comment		
		1	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		2	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		3	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		4	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		1	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		2	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		3	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
		4	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
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		3	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
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		4	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

Inspected by: _____

Emergency Response Plan

Highway-to-Rail Trans-load Facility - Emergency Response and Contingency Action Plan

Revision 0

Authorized By:

**R. J. Molter, Transportation Management
Los Alamos Office
EnergySolutions Federal Services, Inc., Southwest
Operations**

5/19/10

Date

Reviewed By:

**J. Jerez, Project Manager
EnergySolutions Federal Services, Inc., Southwest
Operations**

5/19/10

Date

Reviewed By:

**J. L. Reust, Director of D&D Programs
EnergySolutions Federal Services, Inc., Southwest
Operations**

5/19/10

Date

Approved By

**C. Austin, Vice President
EnergySolutions Federal Services, Inc., Southwest
Operations**

5/19/10

Date

- ☒ New
☐ Title Change
☐ Revision
☐ Rewrite
☐ Cancellation

Effective

Date **5/20/10**

1. INTRODUCTION

The EnergySolutions, LLC trans-load facility, located south of Antonito, Colorado, and just east of US Highway 285, will be used to transfer U. S Department of Transportation (DOT) containers from highway transport vehicles to railroad cars. The containers will be generated and filled at the Los Alamos National Lab (LANL), New Mexico, and are being transported for disposal at EnergySolutions Clive, UT disposal facility (Clive). This plan describes the response actions and event notification protocols for the unlikely event of material releases from container failures, or other unplanned events which could occur at this facility during container transfer operations. Off-normal transportation incidents and events which may occur during the highway-to-rail transfer operations may include, but are not limited to, vehicle accidents, waste material spills from container integrity failures, and heavy equipment fluid leaks.

2. BACKGROUND

The containers transferred from highway vehicles to rail cars at the Antonito facility will consist of soils, and other debris that would meet either DOT-regulated hazardous materials under Class 7 and Class 9 or non-regulated materials that are classified as DOE/NRC radioactive materials for disposal purposes. The containers used to transport wastes from LANL will include both and not be limited to eight cubic-yard capacity soft sided containers or 25-32 cubic-yard capacity steel reusable "intermodal" containers, which meet DOT IP-1 package criteria. Containers are inspected prior to use, and will be compliantly filled, marked/labeled, sealed and secured, and inspected prior to shipment by highway from the Los Alamos National Laboratory (LANL) by the LANL approved shipper.

3. SPILL PREVENTION AND MITIGATION

3.1 SPILL PREVENTION

The primary spill prevention measures are embodied in the following areas:

3.1.1 Package Selection and Handling

3.1.1.1 Selection of the proper shipping package – for the present campaign IP-1 shipping packages are being used due to the type of waste packaged and the very low concentrations of hazards.

3.1.1.2 Control of material loading into shipping packages – the EnergySolutions crew that loads the IP-1 shipping packages has been specifically trained on the packaging system and the proper methods for loading waste materials into this packaging system. Among the training elements that are required for this crew are 40-Hour HAZWOPER training and DOT Hazard Awareness Training.

3.1.1.3 Proper loading of the shipping package for transport – the manufacturer of the IP-1 packaging system used during this campaign also provides an integrated package handling system that includes a purpose-built loading frame system supported by and engineered lifting and handling apparatus that assures proper support of the loaded package during transport.

vehicle loading operations. The *EnergySolutions* crew has been specifically trained on the proper operation of this package loading and handling system.

3.1.1.4 Inspection of loaded packages during transport - All packages are inspected during and after waste loading operations and during and after loading onto transportation vehicles. The packages are inspected at intervals during transport, to ensure package integrity, and again prior to removal from the transport trucks.

3.1.2. Container Repair

3.1.2.1 The IP-1 packaging system features a packaging repair procedure that permits users to repair small breaches in the outer packaging layer. This repair procedure employs engineered repair materials that are specifically designed to restore the package integrity to its design configuration.

3.1.3 Spill Mitigation

3.1.3.1 In the unlikely event that there is a significant breach of the package, spill cleanup materials and equipment are provided at the Trans-loading Station. The materials provide the capability to cleanup and capture incidental spills of materials and to cover and stabilize larger quantity spills until emergency response resources have been mobilized to complete the cleanup and clearance operations.

3.2 TRAINING REQUIREMENTS FOR TRANSPORT PERSONNEL

All transportation drivers meet the Federal Motor Carrier Safety Regulations. Training includes:

- ALARA (As Low As Reasonably Achievable)
- Proper Packaging
- Proper Labeling
- Transportation of Radioactive Materials
- Enhanced Security Measures
- Regulatory Requirements
- HAZMAT
- Emergency Response including severe weather and accidents

This training meets or exceeds the requirements of 49 CFR 383, 387, 390-399 and 49 CFR 172.700. Training is supplemented as regulations change and by annual re-training.

3.3 GENERAL LIABILITY INSURANCE

EnergySolutions continually assesses the risks that are associated with its entire business. The Company maintains appropriate insurance coverage to cover these risks.

3.4 RESPONSIBILITIES DURING TRANSPORT

Hittman Transport Services, a subsidiary of EnergySolutions, transports the waste for this campaign. Hittman uses professional drivers who are fully trained and qualified to transport both radioactive and hazardous waste materials. The training and qualification requirements are outlined in Section 3.2 above. Each driver is specifically briefed on each shipment campaign and the applicable Emergency Response and Contingency Action Plan. The plan specifies driver responsibilities in the event of a transportation incident. The Hittman Transport Emergency Response Plan is also implemented for these campaigns.

4. EVENT NOTIFICATION

Unplanned or off-normal events occurring during any phase of waste transportation between LANL and the EnergySolutions Clive, Utah disposal facility shall be reported per the following.

4.1. AT THE TRANS-LOAD STATION

For any event involving transport vehicles or materials in transport, including container failures, ruptures, punctures, or spilled waste material of any quantity, call the emergency contact number listed on the shipping papers, i.e., NRC 540 Uniform Low-Level Radioactive Waste Manifest, the Colorado State Patrol, (719) 589-5809 OR 911, for ambulance, fire department or hazardous materials response team dispatch, and the EnergySolutions Project Manager, Jack Reust, 865-621-7191.

4.1.1. The EnergySolutions Project Manager or Transportation Coordinator will make appropriate event notification/reporting to EnergySolutions for all spills and off-normal events.

4.1.2. Los Alamos National Securities DOT Shipper, Tamer Amin, at 505-665-8681.

4.1.3. Conejos, CO County Land Use Administrator, or Conejos County Code Enforcement Officer, phone (719) 376-2014.

4.2. HIGHWAY TRANSPORTATION

Transportation-related events that occur during the transport of waste containers from LANL to the Antonito trans-load facility shall be reported and managed per the emergency response plan of the respective highway transport company, in addition to other reporting criteria listed in this plan.

4.3. RAIL TRANSPORTATION

Transportation incidents occurring during the rail phase of transport shall be reported and managed in accordance with San Luis & Rio Grande Railroad and Union Pacific Railroad protocols. Events reported by either railroad to the EnergySolution's project management shall be reported according to criteria listed in this plan.

5. SPILL MANAGEMENT

5.1. EnergySolutions project staff will establish and maintain appropriate emergency response supplies and equipment sufficient to manage a waste material release or spill that could occur during trans-loading from highway trailer to rail gondola cars. Spill management supplies maintained at the worksite will include manufacturer-supplied

patch kits to repair small breaches to the IP-1 LIFT-PAC bags, salvage drums, and spare IP-1 LIFT-PAC bags.

- 5.2. EnergySolutions Radiation Worker and OSHA HAZWOPER trained staff and heavy equipment from the LANL work site will be available and/or mobilized to Antonito as needed to respond to a waste material spill.

5.3. IMMEDIATE RESPONSE :

- 5.3.1. If any situation is encountered that presents an potential hazard to workers, the public, or the environment, trans-load facility personnel shall follow the SWIM process: Stop work, Warn others in the area of the hazard, Isolate the hazard by posting barricades etc., and make appropriate Make notifications.
- 5.3.2. EnergySolutions shall ensure that at least one person shall be at the trans-load facility during trans-loading activities who has been trained and is able to provide immediate emergency response to ensure material containment in the event of a spill.
- 5.3.3. In the unlikely event of a spill during transfer operations the trans-load facility operators will place a tarp or other barrier under the planned pathway of the actual transfer from the truck-to-rail container. This will be sufficient to capture and contain any waste material falling from a punctured bag or failed container.
- 5.3.4. As directed by the transportation coordinator, the qualified trans-load facility personnel may take immediate actions by temporarily covering, berming, diking, or otherwise containing the spilled material for protection from the weather including precipitation run-on or run-off, to prevent the spread of contamination, and to minimize contaminant exposure to workers and the public.

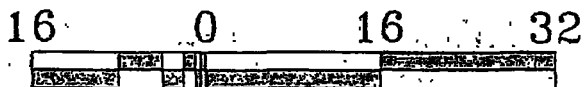
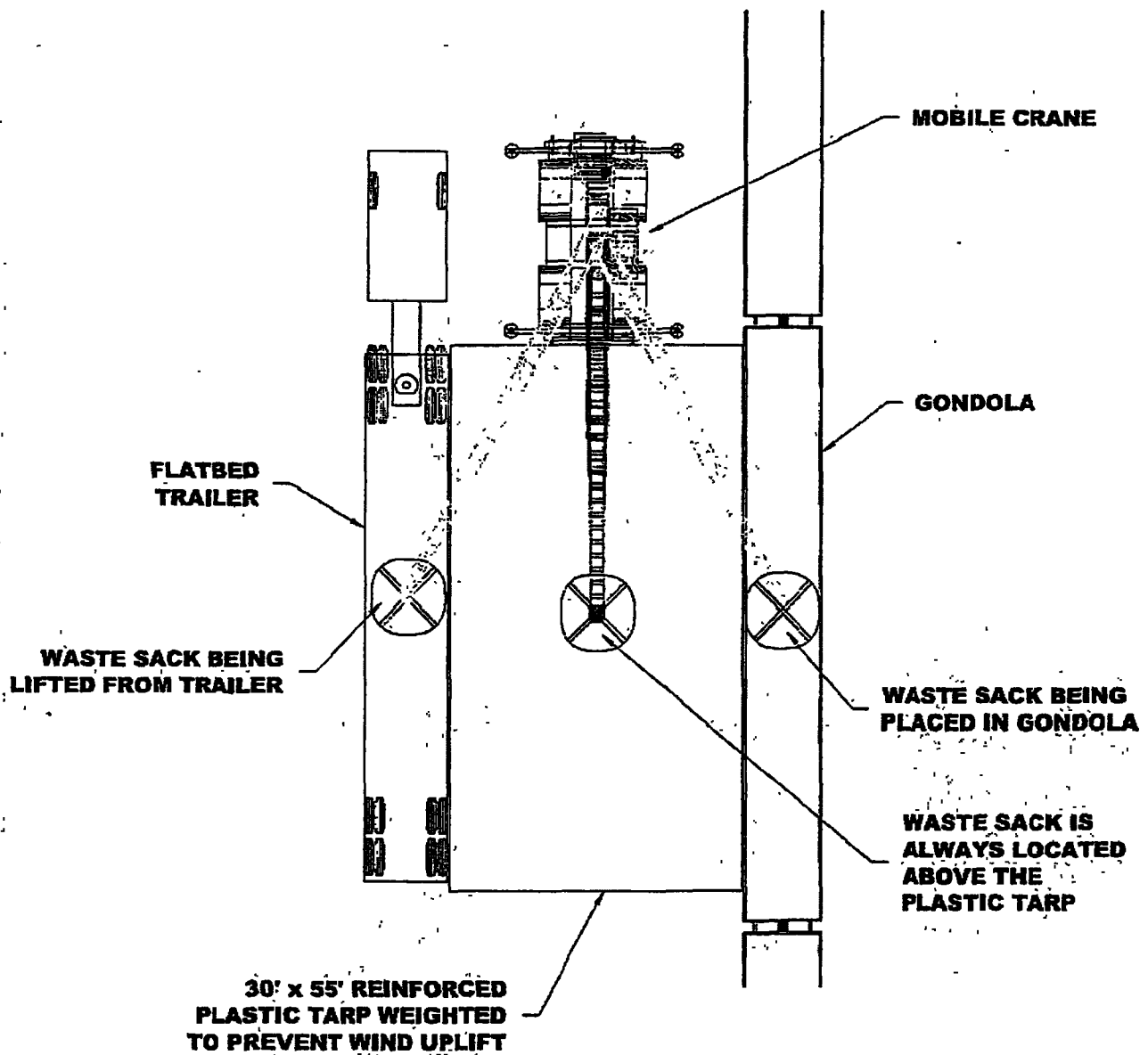
5.4. FOLLOWUP ACTIONS:

- 5.4.1. If an IP-1 Bag puncture is found (and any associated material spills have been reported and managed), operators may be directed to use a manufacturer-supplied patch kit to repair the puncture, and collect and contain any spilled material, before trans-loading operations resume.
- 5.4.2. In the event that a significant quantity of material requires repackaging at Antonito, appropriate resources will be assigned from Los Alamos to support the repackaging. Trained personnel, Radiological Control Technician (RCT), LIFT-PAC IP-1 bags, manufacture supplied LIFT-PAC Loading Frame, and other associated equipment will be mobilized from Los Alamos to the spill site. Material shall be repackaged per instructions provided in the Project Execution Plan, which provides specific instructions for preparing and using LIFT-PAC Loading Frame and bags.

6. RECORDS

Documentation provided as a result of implementation of this plan are considered project Quality Assurance records and will be maintained in accordance with FS-SW-AP-02-03, Records Management.

Loading Plan



ENERGY SOLUTIONS
ANTONITO TRANSLOAD FACILITY

AS SHOWN 05-10-10

LOADING PLAN

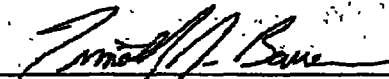
Baseline Survey Plan

**Baseline Survey Plan
for the
Antonito Transload Facility
Antonito, CO**

Project No. 145068**Revision 0**

Prepared by:
EnergySolutions, LLC
Commercial Services Division
1009 Commerce Park Drive, Suite 100
Oak Ridge, TN 37830

Authored By:


Timothy J. Egner, Health Physicist

5/17/2010

Date

Reviewed By:


Jack L. Reust, Director of D&D Programs

5/17/10

Date

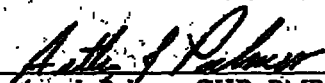
Reviewed By:


Bret Rogers, Sr. Vice President,
Transportation Logistics

5/17/10

Date

Approved By:


Arthur J. Palmer, GHP, PMP, Director, Health
Physics & Radiological Engineering

5/17/10

Date

- ☒ New Plan
☐ Title Change
☐ Plan Revision
☐ Plan Rewrite

Effective Date 5/17/10

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ABBREVIATIONS/ACRONYMS

$\mu\text{g/kg}$	micrograms per kilogram
$\mu\text{R/hr}$	microRoentgen per Hour
Am	americium
Bi	bismuth
cpm	counts per minute
cps	counts per second
EnergySolutions	EnergySolutions, LLC
GPS	Global Positioning System
NaI	sodium iodide
PCB	polychlorinated biphenyls
pCi/g	picoCuries per gram
Pu	plutonium
Ra	radium
Th	thorium
U	uranium

1.0 INTRODUCTION

1.1 PURPOSE

This baseline survey plan was prepared to support the initiation of site activities at the Antonito Transload Facility. This plan describes the methods that EnergySolutions, LLC (EnergySolutions) will perform to document the radiological status of the site area. The baseline survey results can be used to compare future survey results and evaluate the radiological impact of site activities to a known pre-activity status.

1.2 SCOPE

The baseline survey area is shown in Figure 1-1 in light green hatching. The total area to be surveyed is approximately 43,000 square feet (1 acre).

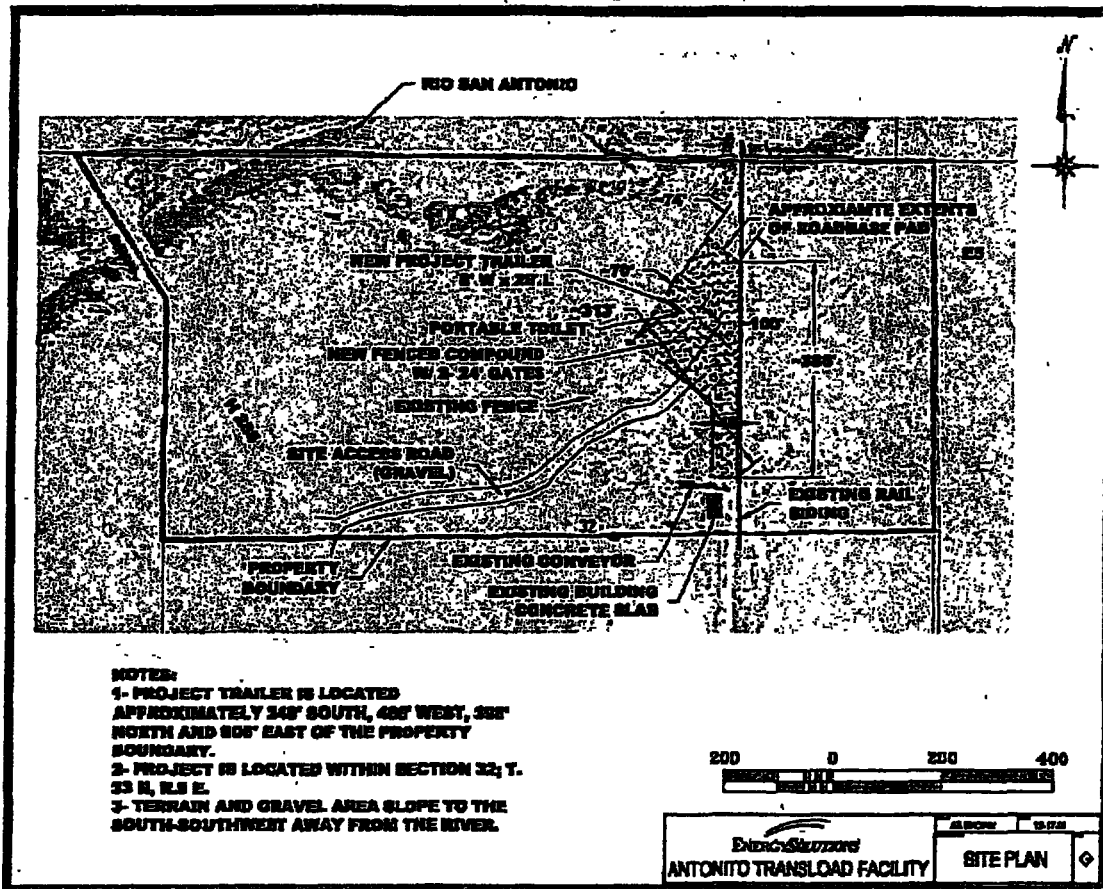


Figure 1-1: Baseline Survey Area

2.0 BACKGROUND

2.1 SITE DESCRIPTION

The Antonito Transload Facility is located off of State Route 285 in Antonito, Colorado. The survey area consists of soil overlaid with gravel. Figure 2-1 shows the location of the site.

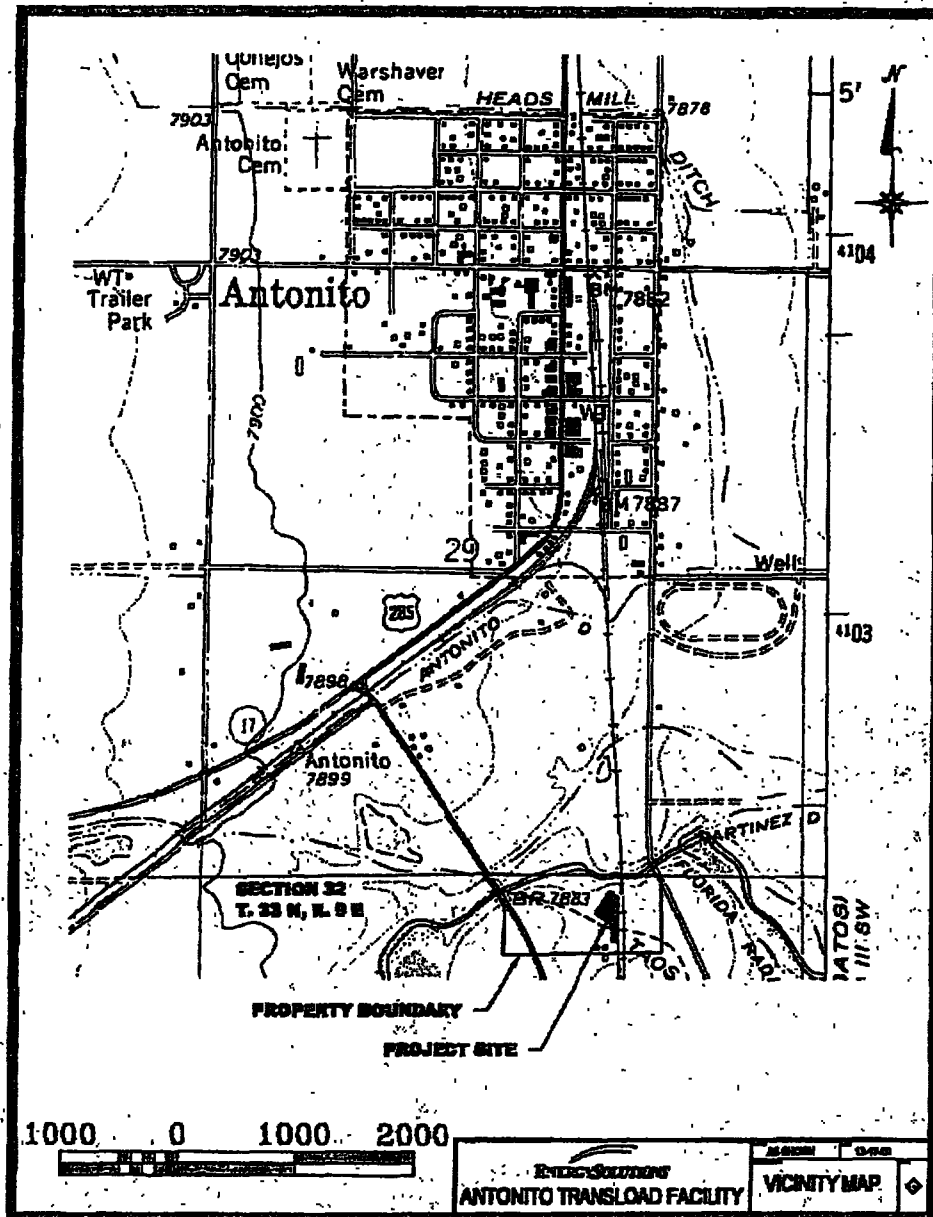


Figure 2-1: Site Location

2.2 CONTAMINANTS OF CONCERN

The radionuclides of concern in the waste streams to be shipped to the Transload Facility are listed below.

- Ra-226
- U-234
- U-235
- U-238
- Am-241
- Bi-212
- Th-234, and
- Plutonium isotopes.

In addition to the radionuclides of concern listed above, polychlorinated biphenyls (PCBs) are expected to be present in the waste stream.

The waste will consist of soil and debris in intermodal containers and 5 to 10 cubic yard bags. The waste containers shipped to the facility will be transferred to rail cars and not processed (opened) at the facility.

3.0 SURVEY DESIGN

The baseline survey will consist of gamma radiation scans and surface soil sampling (0 to 6 inches in depth) at up to five locations. Samples will be collected from any areas with elevated gamma radiation (significantly above the ambient background) as well as at biased locations where future site activities are anticipated to have the greatest impact. The radionuclides of concern listed in Section 2.2 emit alpha, beta, and gamma radiations. The gamma radiation scans will not be able to detect every radionuclide of concern (e.g., U-234); however, because the radionuclides of concern constitute a waste stream, the absence or presence of gamma emitting radionuclides would confirm the absence or presence of radionuclides that do not emit gamma radiation. The following sections provide details of the survey design.

3.1 GAMMA RADIATION SCAN

3.1.1 Instrumentation

A 2-inch-by-2-inch sodium iodide (NaI) detector coupled to a Ludlum Model 2350-1 data logger will be utilized to perform the gamma radiation scan. Instrumentation will be operated according to *EnergySolutions* procedure *General Operations of Radiological Survey Instruments* (Reference 5.1). The Ludlum Model 2350-1 data logger will be synchronized to a portable global positioning system (GPS) unit to provide time and coordinate information.

3.1.2 Calibration and Quality Control

Instrumentation will be calibrated using NIST-traceable standards according to *EnergySolutions* procedure *Calibration and Maintenance of Radiological Survey Instruments* (Reference 5.2). Daily instrument checks to ensure proper operation of the instrumentation will be performed according to *EnergySolutions* procedure *QA/QC of Portable Radiological Survey Instruments* (Reference 5.3). The daily checks will include a background measurement and a source check.

Instrument records, including dates of use, efficiencies, calibration due dates and source traceability will be maintained in accordance with established *EnergySolutions* procedures.

3.1.3 Data Acquisition

The GPS unit will be capable of achieving real-time differential positioning. Trimble's TerraSync software on the GPS unit will be used to collect GPS and gamma radiation scan data. GPS data will be geo-referenced to NAD 1983 Colorado South State Plane Coordinates and NAD 1983 (Conus) CORS96 Datum. The gamma radiation scan data recorded will be the raw counts per second (cps) from the Ludlum 2350-1 data logger; the raw cps are unaltered collected detector counts in a 1-second acquisition interval without any filters applied to the data. GPS unit and Ludlum 2350-1 data logger setup and data acquisition will be performed using the steps outlined in the following *EnergySolutions* task guides.

- *PocketPuTTY Software and Ludlum Model 2350-1 Interfacing Task Guide* (Reference 5.4)
- *TerraSync and Ludlum 2350-1 Setup Task Guide* (Reference 5.5)
- *TerraSync and Ludlum 2350-1 Open Land Survey Acquisition Task Guide* (Reference 5.6)

The gamma radiation scan will be performed according to *EnergySolutions* procedure *Performance of Radiological Surveys* (Reference 5.7). The NaI detector will be swung in a back and forth serpentine motion at a target scan speed of 0.5 meters per second. The detector will be held as close to the ground as practical to avoid damage but no more than 10 cm from the surface. The surveyor will monitor the audible output of the instrument, preferably using headphones. The surveyor will perform second stage scans (pauses) to achieve improved sensitivity in suspect areas. The second stage gamma scan data will also be collected. When elevated gamma radiation is identified, the surveyor will stop and bound the affected area using markers for visual reference and/or mark the area using the features inherent in the GPS unit. Survey passes will be approximately 1 m apart.

3.2 SURFACE SOIL SAMPLING

Up to 5 surface soil samples will be collected according to *EnergySolutions* procedure *Soil Surveys; Collection of Water, Sediment, Vegetation, and Soil Samples; and Chain-of-Custody Procedure* (Reference 5.8). The GPS location of each sample will be recorded and will be geo-referenced as discussed in Section 3.1.3. Samples will be collected at locations that were clearly indicative of gamma radiation above the ambient background levels, if identified, and at locations where future site activities are anticipated to have the greatest impact. A sample will consist of approximately one kilogram of soil. The soil sample(s) will be sent to a qualified off-site laboratory to be dried, crushed, and homogenized and analyzed using gamma spectroscopy to quantify gamma emitting radionuclides; alpha spectroscopy for isotopic uranium and plutonium; and aroclors, gas chromatography, EPA Method 8082A (or equivalent) for PCBs.

Data Assessment and Reporting

GPS data post-processing will be performed following *EnergySolutions Gamma Scan Data Post-Processing Task Guide* (Reference 5.9). GPS data will be post-processed by differentially correcting from a continuously operating reference station.

All gamma radiation scan data will be converted from units of cps to counts per minute (cpm) and to exposure rate units of microRoentgen per hour ($\mu\text{R/hr}$) using the detector's efficiency measured during calibration. The conversion to exposure rate units will allow the results of the baseline survey to be compared to future surveys that may use a different gamma radiation detector and/or survey methodology. The converted cpm and exposure rate data will be geo-spatially plotted for illustration, with a sliding color scale to reflect increasing values.

The TerraSync files will be transferred from the GPS unit to a post-processing workstation and Trimble's PathFinder Office software will be used to review and post-process the GPS data (e.g. differential correction). The GPS and gamma radiation scan data will be exported using PathFinder Office to a Microsoft® Access database, or an alternate flat file format such as a Microsoft® Excel spreadsheet. ESRI's ArcGIS Desktop software suite (e.g. ArcView) and/or Golden Software's Surfer software will be used to plot the geo-referenced gamma scan data onto high resolution maps.

For soil samples analyzed off-site, identified radionuclides will be reported in activity concentration units of picoCuries per gram (pCi/g) of dry soil. Activity concentrations will be reviewed for levels not indicative of typical background levels. PCB results will be reported in units of micrograms per kilogram ($\mu\text{g/kg}$).

A baseline survey report will be prepared documenting the results of the baseline survey as well as providing conclusions regarding the radiological and chemical state of the site prior to the commencement of site activities.

4.0 REFERENCES

- 5.1 EnergySolutions, LLC; CS-FO-PR-005, Rev. 0, *General Operations of Radiological Survey Instruments*
- 5.2 EnergySolutions, LLC; CS-FO-PR-002, Rev. 1, *Calibration and Maintenance of Radiological Survey Instruments*
- 5.3 EnergySolutions, LLC; CS-FO-PR-004, Rev. 0, *QA/QC of Portable Radiological Survey Instruments*
- 5.4 EnergySolutions, LLC; *PocketPuTTY Software and Ludlum Model 2350-1 Interfacing Task Guide*, Rev. 0
- 5.5 EnergySolutions, LLC; *TerraSync and Ludlum 2350-1 Setup Task Guide*, Rev. 1
- 5.6 EnergySolutions, LLC; *TerraSync and Ludlum 2350-1 Open Land Survey Acquisition Task Guide*, Rev. 0
- 5.7 EnergySolutions, LLC; CS-FO-PR-001, Rev. 1, *Performance of Radiological Surveys*
- 5.8 EnergySolutions, LLC; CS-FO-PR-003, Rev. 0, *Soil Surveys; Collection of Water, Sediment, Vegetation, and Soil Samples; and Chain-of-Custody Procedure*
- 5.9 EnergySolutions, LLC; *Gamma Scan Data Post-Processing Task Guide*, Rev. 0

Licenses and Permits

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 509156
			State Highway No./Milepost/Side 285/4.735/Right
Permit for S100	Date of transmittal 02/09/2010	Region/Section/Parish 05/07/24	Local Jurisdiction Concejos County

The Permittee(s): Quinlan Group/Mercedes Middlemist Trust 1359 Southbridge Court Golden, CO 80401	The Applicant(s): San Luis & Rio Grande Railroad, Inc. P.O. Box 701914 San Antonio, TX 78270 210-844-4621
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is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location:
 Access is to be located on the East side of State Highway 285, a distance of approximately 3882 feet North of Milepost 4.

Access to Provide Service to: Lawrence D. Gallagos Recp. No: 10000301 Conejos County Clerk and Recorder Page: 1 of 6 Recorded: 3/8/2010 10:20 AM Rec Fee: \$31.00 Doc Fee: \$0.00 Min Fee: \$0.00	(Land Use Code) 030 - Truck Terminal/Transfer Station	(Square Feet) 19.3	(Units) ACRES
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Other terms and conditions:
 * See Attached Pages 2 and 3 and Other Enclosures for Additional Terms and Conditions.

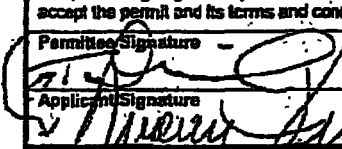

MUNICIPALITY OR COUNTY APPROVAL
 Required only when the appropriate local authority retains issuing authority.

Signature N/A	Print Name N/A	Title N/A	Date N/A
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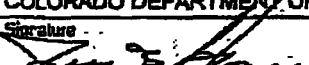
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Ron Quintana with the Colorado Department of Transportation in Alamosa at 719-587-3286 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature 	Print Name ANDREW S. Middlemist	Date 2/17/10
Applicant Signature 	Print Name Michael C. Pennington	Date 2/19/10

This permit is not valid until signed by a duly authorized representative of the Department.

Signature 	Print Name JAMES B. Horn	Title Access Manager	Date (of issue) 3-1-2010
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Copy Distribution: Required: 1. Region 2. Applicant 3. State Access Section 4. Central Files Make copies as necessary for: Local Authority, MTCR Patrol, Inspector, Traffic Engineer. Previous editions are obsolete and may not be used. Page 1 of 3 CDOT Form #161 5/07

Permittee: **Andrew S. Middlemist 2/24/10**
 Andrew S. Middlemist, Trustee
 Mercedes S. Middlemist Irrevocable Trust

MAR 1 2010

State Highway Access Permit
Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (applicant) have a right to appeal the decision to the [Transportation] Commission (of Colorado). To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
3. In submitting the request for administrative hearing, the applicant has the option of including within the appeal a request for a review by the Department's internal administrative review committees pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the applicant notifies this Commission to proceed with the administrative hearing, or the applicant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committees regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)
2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department Inspector.
3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit; that conflict with concurrent highway construction or maintenance work, that endanger highway

property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will effect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE:

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

State Highway Access Permit
Page - 101a

Worker Safety and Health

All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:

- Head protection that complies with the ANSI Z89.1-1997 standard;
- At all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96;
- High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

Environmental Clearance

It is the applicant's responsibility to contact the appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include but are not limited to Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical, or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances and information about prohibited discharges; copy attached.

Permit Number 509156
US 285 Mile Marker 4.735 Right
San Luis & Rio Grande Railroad/Transfer Station

Lawrence D. Gallegos Recp. No: 10000301
Conejos County Clerk and Recorder Page: 5 of 6
Recorded: 3/8/2010 10:20 AM Rec Fee: \$31.00
Doc Fee: \$0.00 Min Fee: \$0.00

LEVEL 2 - ACCESS PERMIT TERMS & CONDITIONS
FULL-MOVEMENT ACCESS

A. PERMIT REQUIREMENTS SPECIFIC TO THIS ACCESS:

1. Permit Number 509156 is issued by the Colorado Department of Transportation (CDOT) in accordance with the 1998 Access Code and is based upon the information submitted by the Permittee. Any changes in the herein permitted type and use and/or volume of traffic using the access, drainage, or other operational aspects shall render this permit void, requiring that a new application be submitted for review based upon currently existing and anticipated future conditions. This permit replaces and voids all previous access permits for this location.
2. Permit Number 509156 is issued for the use of:
 - a. A existing paved Full-Movement access to US Highway 285 for Quinlan Group, Middlemist Trust, and San Luis & Rio Grande Railroad at approximate mile marker 4.735 Right
3. The category for this section of US 285 is NR-A. The access shall be in conformance with the State of Colorado State Highway Access Code, Volume Two, Code of Colorado Regulations 601-1, August 31, 1998 as amended.
4. The access shall serve a tract of land located in the West 1/2 of the NE 1/4 of Section 32, Township 33 North, Range 9 East, N.M.P.M., Conejos County, Colorado. The location of the access is shown in EXHIBIT "A" (Location Map).
5. Incorporated as part of this permit are the following:
 - a. State Highway Access Permit pages 1-3 and Page 101a
 - b. Access Permit Terms and Conditions Pages 1 through 2
 - c. EXHIBIT "A." (Location Map)
 - d. State Highway Access Permit Application (CDOT Form No. 137) received December 22, 2010
6. This Permit describes the access and improvements that will serve the following land uses:
 - a. Truck Depot/Transfer Station/Railroad Transfer Station, 19.3 acres (ITE Code 030)
7. For the Access Category of NR-A, the vehicular volumes using this access shall not exceed the following:
 - a. An average Peak Hour Volume of 10 left-turning entrance movements from the State Highway into the access.
8. A passenger car equivalent of two (2) for each vehicle or combination at or over 20 feet in length but less than 40 feet and a passenger car equivalent of three (3) shall be used for each bus and all trucks and combination at or over 40 feet in length or longer when determining the volumes listed above.

Permit Number 509156
US 285 Mile Marker 4.735 Right
San Luis & Rio Grande Railroad/Transfer Station

Lawrence D. Gallegos Recp. No: 10000301
Conejos County Clerk and Recorder Page: 6 of 6
Recorded: 3/8/2010 10:20 AM Rec Fee: \$31.00
Doc Fee: \$0.00 Min Fee: \$0.00

9. The maximum traffic generation to US 285 for the land uses stated in 6 above are as follows:
 - a. Truck/Railroad Transfer Station - shall generate no more than a maximum of 60 daily new external vehicle trips, 9 AM Peak Hour movements, and 9 PM Peak Hour movements.
10. Any changes in the type, use and/or volume of traffic using the access in excess of the values stated above will require a new permit and will require the installation of warranted access improvements within the earliest construction season. Such improvements include but are not limited to:
 - a. Increasing the access width
 - b. Increasing the access radii
 - c. Improving the access surfacing
 - d. Installing acceleration and deceleration lanes
 - e. A full width overlay of the State Highway corresponding to the start and end of the acceleration and deceleration lanes
11. Any future warranted highway improvements shall be designed and constructed by the Permittee or the property owner at no cost to CDOT.
12. Under no circumstances will the access be allowed to continue operation in an unsafe manner. Failure to provide the warranted improvements will result in closure of the access.
13. It is acknowledged that the existing access and right-turn deceleration lane previously constructed are sufficient for the land uses described herein, and no new construction will be required.
14. The Permittee shall record a true and correct copy of this permit at the Conejos County Court House upon issuance by CDOT. Written certification of the recordation shall be provided to CDOT within thirty (30) days of the permit issue date.

B. REQUIREMENTS PRIOR TO NOTICE-TO-PROCEED (NTP) FOR CONSTRUCTION:

1. A written request for a Notice to Proceed must be submitted to this issuing office.

PERMITTEE:

Quinlan Group Inc., by Michael C. Quinlan

DATE

2/19/10

APPLICANT:

San Luis & Rio Grande Railroad, Inc., by Todd N. Cecil

DATE

2/17/10

PERMITTEE: Mercedes S. Middlemist Irrevocable Trust

Andrew C. Middlemist 2/24/10

Andrew C. Middlemist, Trustee

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 5, Traffic and Safety Unit.
3803 N. Main Avenue, Suite 100
Durango, CO 81301
(970) 385-8360
(970) 385-8361 Fax



March 11, 2010

Todd N. Cecil
Permian Basin Railways
P.O. Box 701914
San Antonio, TX 78270

Permit No. 509156
SH 285 MP 4.735 Rt
Conejos County

RE: Notice To Proceed

Dear Permittee or Applicant:

Enclosed is your Notice to Proceed (NTP) for the above stated access. As stated in your permit, no access improvement or construction is required under this permit. You are therefore authorized to begin the permitted use of the access.

If you have any questions or need more information, please contact me at the office listed above.

Respectfully,

James B. Horn, P.E.
Access Manager

Cc: File
Permittee
Conejos County Planning
Ron Quintana
Alex Karami

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS CODE

NOTICE TO PROCEED

CDOT Permit No.

509156

SH/S/MP

285/4.735/Rt

Local Jurisdiction

Conejos County

Permittee(s):

Quinlan Group/Mercedes Middlemist Trust
1359 Southridge Court
Golden, CO 80401

Applicant:

San Luis & Rio Grande Railroad
ATTN: Todd N. Cecil
P.O. Box 701914
San Antonio, TX 78270
210-844-4621

The permittee is hereby authorized to proceed with access use in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

All of the Terms and Conditions of State Highway Access Permit No. 509156 remain in effect.

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By (X) <i>NA</i>	Title	Date
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This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By (X) <i>[Signature]</i>	Title <i>Access Manager</i>	Date <i>3/11/2010</i>
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Attachment O

References and Websites

Description A Report to Congress on Long-Term Stewardship, Vol. I – Summary Report, DOE/EM-0563, January 2001,” p. GL-5	Page(s) in CCCW Comment - Website 13
Supplement Analysis Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory – Proposed Transport of Low Level Radioactive Waste by Truck and Rail from Los Alamos National Laboratory (LANL) for Disposal at EnergySolutions at Clive, Utah,” DOE/EIS-0380-SA-01, October 2009	Page 13, 23, 26, 29 - http://www.doeal.gov/laso/Documents/SupplementAnalysisTruckRail102309.PDF
SLRG Website	Page 16 - http://www.iowapacific.net/san-luis-a-rio-grande-railroad.html
STB FINANCE DOCKET NO. 35106 STATE OF NEVADA’S COMMENTS IN OPPOSITION TO THE APPLICATION FILED MARCH 17, 2008 BY THE UNITED STATES DEPARTMENT OF ENERGY UNDER 49 U.S.C. 10901	Page 16, 18 - http://www.state.nv.us/nucwaste/news2008/pdf/nv080715stb.pdf - pages 59-79
<i>Pueblo Chieftain</i> , September 10, 2010	Pages 16, 17 - http://chieftain.com/news/local/article_f100eae4-bcaf-11df-934f-001cc4c002e0.html
Federal Railroad Administration Office of Safety Analysis	Page 17 - http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/Query/statsSas.aspx
Enhancing Safety through Rail Shipments	Pages 20, 25, 28, 29 - http://www.lanl.gov/environment/waste/docs/factsheets/transporting_waste_DOE_1-13-10.pdf
Health Risks from Exposure to Low Levels of Ionizing Radiation	Page 20 - http://www.nap.edu/openbook.php?record_id=11340&page=R1

Final Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory,” DOE/EIS-0380, May 2008, p. 2-12

Page(s) in CCCW Comment - Website

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<http://www.doel.gov/SWEIS/SWEISDocument/Volume%201%20Chapters%201%20through%2011/Front%20Matter%20and%20Table%20of%20Contents.pdf>

Final Environmental Impact Statement,
LASL Site, Los Alamos, New Mexico,"
DOE/EIS-0018, December 1979

Page 23 -

<http://www.lanl.gov/>

History and Environmental Setting of Los Alamos Scientific Laboratory Near-Surface Land Disposal Facilities for Radioactive Wastes: A Source Document," Margaret Anne Rogers, Los Alamos Scientific Laboratory of the University of California, June 1977, LA-6848-MS, Vol. I

Pages 24, 25

RCRA Facility Investigation Report for
Potential Release Sites at TA-39, 39-001 (a
& b),” LANL Environmental Restoration
Project, March 1997, LA-UR-97-XXXX,
p. 5-1

Pages 24, 26 –

<http://www.nmenv.state.nm.us/hwb/lanl/New%20and%20Revised%20Order.doc>

LANL Individual Permit Application for Storm Water Discharges from Solid Waste Management Units and Areas of Concern," Permit Application No. NM0030759, Supplemental Information Submittal (Third of Four), Vol. 1, December 21, 2007, LA-UR-07-8364

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S. Report 110-270 at 37-8

Page 27

U.S. Patent Number 7,073,676

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<http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetacgi%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=7073676.PN.&OS=PN/7073676&RS=PN/7073676>

PacTec LiftPac IP1 bag

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<http://www.pactecinc.com/liftpac.html>

CERTIFICATE OF SERVICE

I hereby certify that I have caused eleven (one original and ten reproductions) true and correct copies of Conejos County Clean Water, Inc. paper files requesting that the proceedings in Docket No. FD35380 take place in Antonito, Colorado, the Conejos County Seat to be served on this 12th day of October, 2010, by HAND DELIVERY to the following:

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001
P: 202.245.0245

and one copy via HAND DELIVERY to the following:

John D. Heffner, Esq.
1750 K Street, N.W.
Washington, DC 20006
P: 202.296.3334

Attorney for San Luis & Rio Grande Railroad



Mary Alice Trujillo, Chair
Conejos County Clean Water, Inc.